

provide for a permanent rent commission for the District of Columbia; to the Committee on the District of Columbia.

3419. By Mr. HAWLEY: Petition of residents of Sheridan, Oreg., to the House of Representatives not to concur in the passage of the compulsory Sunday observance bill (S. 3218), nor to pass any other religious legislation which may be pending; to the Committee on the District of Columbia.

3420. By Mr. KETCHAM: Petition of citizens of Hastings, Mich., protesting against Senate bill 3218, a bill providing for compulsory Sunday observance; to the Committee on the District of Columbia.

3421. By Mr. MacLAFFERTY: Petition of citizens of Alameda County, Calif., opposing the passage of the compulsory Sunday observance bill (S. 3218) or any other national religious legislation which may be pending; to the Committee on the District of Columbia.

3422. By Mr. SINNOTT: Petitions of residents of Linn County Oreg., protesting against the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3423. Also, petitions of residents of Washington County, Estacada, Toledo, Gaston, Forest Grove, and Newport, Oreg., protesting against the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3424. Also, petitions of residents of Salem, Forest Grove, Washington County, Sunnyside, and Linn County, Oreg., protesting against the passage of the Sunday observance bill (S. 3218); to the Committee on the District of Columbia.

3425. By Mr. SPEAKS: Papers to accompany House bill 11393, granting an increase of pension to Harriet Gale; to the Committee on Invalid Pensions.

3426. By Mr. TAGUE: Petition of Boston Municipal Council, United Spanish War Veterans, indorsing the enactment of the Knutson bill for relief of veterans of the war with Spain; to the Committee on Pensions.

3427. Also, petition of Massachusetts Committee, American Jewish Congress, favoring enactment of resolution providing for admittance extra quota immigrants now at ports of entry; to the Committee on Immigration and Naturalization.

3428. Also, petition of E. J. Auman, Dow & Co., and the Sulpho Naphthol Co., both of Boston, favoring adoption of the recommendations of the Postmaster General that legislation be enacted to regulate and equalize all rates of postage, in order that each class of mail shall be self-sustaining; also, letter from the George Close Co., of Boston, favoring the adoption of legislation for 1-cent letter mail; to the Committee on the Post Office and Post Roads.

SENATE

TUESDAY, January 13, 1925

(Legislative day of Monday, January 5, 1925)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Farrell, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 1782. An act to provide for the widening of Nichols Avenue between Good Hope Road and S Street SE.; and

S. 3053. An act to quiet title to original lot 4, square 116, in the city of Washington, D. C.

The message also announced that the House had passed the bill (S. 387) to prescribe the method of capital punishment in the District of Columbia, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H. R. 10144) to amend an act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED

The message also announced that the Speaker of the House had affixed his signature to the enrolled bill (H. R. 62) to authorize the appointment of an additional district judge in and for the district of Indiana and to establish judicial divisions therein, and for other purposes, and it was thereupon signed by the President pro tempore.

EXPENDITURES OF DEPARTMENT OF AGRICULTURE

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed statement of expenditures for the Department of Agriculture for the fiscal year ended June 30, 1924, which was referred to the Committee on Agriculture and Forestry.

HOUSE BILL REFERRED

The bill (H. R. 10144) to amend an act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924, was read twice by its title and referred to the Committee on the District of Columbia.

REPORT OF THE BANKING AND CURRENCY COMMITTEE

Mr. FLETCHER, from the Committee on Banking and Currency, to which was referred the bill (S. 3632) to amend the Federal farm loan act and the agricultural credits act of 1923, reported it with amendments and submitted a report (No. 861) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OVERMAN:

A bill (S. 3919) to amend section 206 of the transportation act, 1920; to the Committee on the Judiciary.

By Mr. SPENCER:

A bill (S. 3920) to pension soldiers who were in the military service of the United States during the period of Indian wars, campaigns, and disturbances, and the widows, minors, and helpless children of such soldiers, and to increase the pensions of Indian war survivors and widows; to the Committee on Pensions.

By Mr. SHORTRIDGE:

A bill (S. 3921) for the relief of Alfred F. Land; to the Committee on Claims.

A bill (S. 3922) to amend the act entitled "An act to provide for the protection of forest lands, for the reforestation of denuded areas, for the extension of national forests, and for other purposes, in order to promote the continuous production of timber on lands chiefly suitable therefor," approved June 7, 1924; to the Committee on Agriculture and Forestry.

By Mr. ODDIE:

A bill (S. 3923) granting a pension to Thomas A. McCharles (with accompanying papers); to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 3924) granting an increase of pension to Edna M. Cross; to the Committee on Pensions.

By Mr. REED of Pennsylvania:

A bill (S. 3925) granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River in the city of Pittsburgh, Pa.; to the Committee on Commerce.

By Mr. WILLIS:

A bill (S. 3926) granting an increase of pension to Mary E. Mauk (with accompanying papers); to the Committee on Pensions.

By Mr. PEPPER:

A joint resolution (S. J. Res. 167) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to those who died in the aviation service of the Army, Navy, and Marine Corps in the World War; to the Committee on the Library.

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE AND THOMAS JEFFERSON CENTENNIAL COMMISSION

Mr. COPELAND. Mr. President, I introduce a joint resolution and ask to have it read and referred to the Committee on the Library.

The joint resolution (S. J. Res. 166) authorizing the establishment of a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document, was read the first time by its title, the second time at length, and referred to the Committee on the Library, as follows:

Whereas the 4th day of July, 1926, will mark the one hundred and fiftieth anniversary of the signing of the Declaration of Independence,

that heroic act which marked the birth of American independence and of these United States of America; and

Whereas by a most noteworthy coincidence that same day, July 4, 1926, will likewise mark the one hundredth anniversary of the death of Thomas Jefferson, who was the author of that immortal document; and

Whereas for upward of 60 years Thomas Jefferson zealously and devotedly served our country in countless ways and held many positions of honor, trust, and confidence, including among others, that of member of the Continental Congress, first minister to France, first Secretary of State of the United States, Vice President of the United States, and President of the United States for two consecutive terms; and

Whereas for almost a century the people of the United States have been endeavoring in various ways to establish a monument which would be a suitable memorial to the memory of Thomas Jefferson; and

Whereas these efforts have finally culminated in the organization of an association of patriots known as the Thomas Jefferson Memorial Foundation which, through public contributions, has been enabled to acquire title to Monticello, the home which Thomas Jefferson designed and built on the mountain top overlooking Charlottesville, Va., and in which he lived for over 50 years, and where he died and where his immortal remains now lie buried; and

Whereas the Thomas Jefferson Memorial Foundation has been organized and dedicated for the sole purpose of acquiring and preserving Monticello as a memorial to Thomas Jefferson and as a patriotic shrine which will be an inspiration for all the generations to come to keep alive the fundamental ideals of our Republic; and

Whereas at the invitation of the Thomas Jefferson Memorial Foundation, national, State, and city civic and patriotic committees have been and are now being appointed for the following purposes:

1. To spread a better understanding of those fundamental American ideals which Jefferson wrote into the Declaration of Independence.

2. To aid in raising the funds necessary to free Monticello of debt and to endow it so it may be preserved for the generations to come as a patriotic shrine.

3. To cooperate in making the necessary preparations for the national celebration on July 4, 1926, when the entire Nation will fittingly commemorate the one hundredth anniversary of the death of Thomas Jefferson, and the one hundred and fiftieth anniversary of the signing of the Declaration of Independence. Therefore, be it

Resolved, etc., That there is hereby established a commission to be known as the Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence and the one hundredth anniversary of the death of Thomas Jefferson, the author of that immortal document (hereinafter referred to as the commission), and to be composed of 19 commissioners as follows:

The President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, ex officio; eight persons to be appointed by the President of the United States; four Senators by the Vice President; and four Representatives by the Speaker of the House of Representatives.

SEC. 2. The commissioners shall serve without compensation, and shall select a chairman from among their number.

SEC. 3. It shall be the duty of the commissioners to promulgate to the American people an address relating to the reason of the creation of the commission and of its purposes and to prepare a plan or plans for a program in cooperation with the officers and board of governors of the Thomas Jefferson Memorial Foundation, and the other national, State, city, civic and patriotic committees, and other Jefferson centennial committees appointed throughout the country for the purpose of properly commemorating those signal events which have brought this commission into being; and to give due and proper consideration to any plan or plans which may be submitted to them; and to take such steps as may be necessary in the coordination and correlation of the various plans which may be submitted to the commission; and if the participation of other nations be deemed advisable, to communicate with the governments of such nations.

SEC. 4. When the commission shall have approved of a plan of celebration, then it shall submit for their consideration and approval such plan or plans, in so far as it or they may relate to the fine arts, to the Commission of Fine Arts in Washington for their approval, and in accordance with statutory requirements.

SEC. 5. The commission, after selecting a chairman and a vice chairman from among their members, may employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the commission, and may also engage the services of expert advisors; and may fix their respective compensations within the amount appropriated for such purposes.

SEC. 6. The commissioners shall receive no compensation for their services, but shall be paid their actual and necessary traveling, hotel,

and other expenses incurred in the discharge of their duties out of the amount appropriated.

SEC. 7. That there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated the sum of \$10,000 to be expended by the commission in accordance with the provisions of this resolution.

SEC. 8. The commission shall, on or before the 8th day of December, 1925, make a report to the Congress in order that enabling legislation may be enacted.

SEC. 9. That the commission hereby created shall expire within two years after the expiration of the celebration, December 31, 1926.

SEC. 10. This joint resolution shall take effect immediately.

WORKS OF ART IN THE CAPITOL

Mr. PEPPER submitted the following resolution (S. Res. 298), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Library of the Senate is authorized and directed to have prepared a manuscript on the works of art and the artists of the United States Capitol, at a cost not to exceed \$2,500, to be paid out of the contingent fund of the Senate; and that such manuscript when completed shall be printed, with illustrations, as a public document.

COUNT OF THE ELECTORAL VOTES

Mr. SPENCER submitted the following concurrent resolution (S. Con. Res. 25), which was referred to the Committee on Privileges and Elections:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 11th day of February, 1925, at 1 o'clock postmeridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President pro tempore of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the President pro tempore on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed as they are opened by the President of the Senate all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

PRESIDENTIAL APPROVALS

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that January 12, 1925, the President approved and signed the following acts:

S. 807. An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.;

S. 1762. An act providing for the acquirement by the United States of privately owned lands within Taos County, N. Mex., known as the Santa Barbara grant, by exchanging therefor timber, or lands and timber, within the exterior boundaries of any national forest situated within the State of New Mexico; and

S. 3584. An act to extend the time for completing the construction of a bridge across the Delaware River.

DISTRICT OF COLUMBIA POLICE AND FIRE DEPARTMENTS

Mr. BALL. Mr. President, I ask unanimous consent to report back favorably from the Committee on the District of Columbia House bill 10144, to amend an act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924; and I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the reception of the report? The Chair hears none.

Mr. BALL. I will state that in the engrossing of the bill last year four policemen were left out of the increase of salary, and it is not fair to continue that discrimination. While the Senate put them in, the House failed to include them in the engrossing.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent for the immediate consideration of the bill just reported by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the act entitled "An act to fix the salaries of officers and members of the Metropolitan police force, the United States park police force, and the fire department of the District of Columbia," approved May 27, 1924 (Public No. 148, 68th Cong.), be, and the same is hereby, amended as follows:

In section 2, after the words "battalion chief engineers," strike out the figures "\$3,050" and insert the figures "\$3,250," in accordance with an amendment of the Senate to the bill H. R. 5855, which was not included in the engrossed amendments to said bill as transmitted to the House of Representatives.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALL OF THE ROLL

Mr. JONES of Washington obtained the floor.

Mr. FESS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Clerk will call the roll. The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	La Follette	Sheppard
Ball	Fernald	McCormick	Shipstead
Bayard	Ferris	McKellar	Shortridge
Bingham	Fess	McKinley	Simmons
Borah	Fletcher	McNary	Smith
Brookhart	George	Mayfield	Smoot
Bruce	Gerry	Means	Spencer
Bursum	Gooding	Metcalf	Stanley
Butler	Greene	Moses	Sterling
Cameron	Hale	Neely	Trammell
Capper	Harris	Norbeck	Underwood
Copeland	Harrison	Norris	Wadsworth
Couzens	Heflin	Oddie	Walsh, Mass.
Cummins	Johnson, Calif.	Overman	Walsh, Mont.
Curtis	Jones, Wash.	Pepper	Warren
Dale	Kendrick	Phipps	Ransdell
Dial	Keyes	Pittman	Watson
Dill	King	Ralston	Willis
Edge	Ladd	Reed, Pa.	

Mr. RANSDELL. I wish to announce that my colleague [Mr. BROUSSARD] is necessarily absent on account of illness.

The PRESIDENT pro tempore. Seventy-five Senators having answered to their names, a quorum is present.

APPOINTMENT TO TARIFF COMMISSION

Mr. SIMMONS. Mr. President, will the Senator from Washington yield to me for the purpose of putting certain documents in the RECORD?

Mr. JONES of Washington. I yield for that purpose.

Mr. SIMMONS. I want to read to the Senate a very brief editorial appearing this morning in the Washington Post under the title of "A serious charge," as follows:

A SERIOUS CHARGE

The United States Sugar Association has issued a circular under date of January 9, signed by its secretary, in which it calls attention to a letter sent out by Jesse F. McDonald, former Governor of Colorado, now president of the national tariff council of that State. This extraordinary document, according to the sugar association's circular, solicits "contributions of \$100 each from 100 different individuals, firms, and corporations for the avowed purpose of preventing the reappointment of Commissioner David J. Lewis and securing the selection of a 'protectionist Democrat' in his place."

If this letter has been correctly quoted by the sugar association, the charge is one which can not be ignored. No matter what modifications might appear from a perusal of the context, the implication as set forth in the circular is of an unblushing attempt to bribe officials of the United States Government. What else can "contributions" for the "purpose of preventing" a reappointment mean?

It would seem as if a great deal too much has been said, or much too little. It assuredly behooves one who has been honored by the people of his State, as well as a host of presumably reputable firms and individuals, to come forward to explain the meaning of their actions.

Mr. President, I wish also to put in the RECORD, along with the editorial, the letter to which it refers. If the Senator from Washington will grant me sufficient time, I would like to have the clerk read the letter.

Mr. JONES of Washington. I have no objection.

The PRESIDING OFFICER (Mr. MOSES in the chair). Without objection, the clerk will read as requested.

The reading clerk read as follows:

NATIONAL TARIFF COUNCIL,

Denver, Colo., August 15, 1924.

DEAR MR. ———: I am inclosing copy of a news item from a recent issue of the Pueblo Chieftain, which will give you a general idea of the work we are carrying on in behalf of the producers of Colorado.

The National Tariff Council is doing similar work in Alabama, Georgia, and other selected States in a concentrated effort to first break down the opposition to protection in the heart of the South and then use it as an influence in other States.

Of equal importance to this organization work is the appointment of a tariff commissioner to succeed Commissioner Lewis, whose term of office expires September 30.

Mr. Lewis is one of the three commissioners who voted to reduce the present tariff on sugar. The law requires that the tariff commission shall be bipartisan and Mr. Lewis's successor must be a Democrat.

The industries comprising the National Tariff Council, numbering more than 100, are putting forth their combined efforts to secure the appointment of a protectionist Democrat to this important position.

The success of this movement means that friends of raw materials will then constitute a majority of the tariff commission.

As you well know there is a widespread movement now under way throughout the Nation for a general tariff reduction, especially on raw materials.

The tariff schedules affecting one of Colorado's leading money crops have recently been attacked and there is grave danger that other farm, ranch, and mine products may next come under fire.

The bankers, merchants, and producers of Colorado are aiding the movement to prevent this discrimination against our State and we want you to join in financing this activity.

Will you be one of 100 prominent citizens to subscribe \$100 to this worthy cause? Check should be made payable to The National Tariff Council and mailed to Clark G. Mitchell, care of the Denver National Bank.

Yours very truly,

JESS F. McDONALD, *Colorado Chairman.*

Approved:

ROY COX,

President Colorado Bankers' Association.

W. E. LETFORD,

President Mountain States Beet Growers' Marketing Association.

BEN M. WHITE,

President Colorado Stockgrowers' Association.

W. J. H. DORAN,

President Colorado Manufacturers and Merchants' Association.

D. B. BIER,

President Colorado Creamery Butter Manufacturers' Association.

FRANK RAUCHFUSS,

Secretary Colorado Honey Producers' Association.

Mr. SIMMONS. Mr. President, I shall not trespass upon the time of the Senator from Washington, who very kindly gave me permission to interrupt him merely for the purpose of putting these documents into the RECORD. I do not at this time wish to comment at all upon the documents, either the editorial or the letter. I think they both speak adequately for themselves; but at some later time I shall revert to this question and put into the RECORD other documents that are in my possession relating to this matter. For the present I content myself by making public in the RECORD what appears to be an attempt by grossly improper methods to influence the selection of the personnel of the commission.

The PRESIDING OFFICER. The Senator from Washington [Mr. JONES] has the floor.

Mr. SIMMONS. The Senator has given me permission to make a statement.

The PRESIDING OFFICER. But with four Senators on their feet the Chair desires to know what the Senator from Washington intends to do with the floor. If he desires to yield, to whom does the Senator yield?

Mr. KING. I do not think the Chair need be concerned until some Senator addresses the Chair. The Senator from Washington [Mr. JONES] can take care of himself, as can other Senators.

Mr. JONES of Washington. The Senator from North Carolina [Mr. SIMMONS] had not completed his statement.

The PRESIDING OFFICER. The Senator from Washington yields to the Senator from North Carolina. The Senator from North Carolina will proceed.

Mr. SIMMONS. I shall accommodate the Chair by not saying anything further.

Mr. KING and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Utah; and if so, to which Senator from Utah?

Mr. JONES of Washington. I will yield to either Senator from Utah.

Mr. KING. Mr. President, in the light of the statement just read from the desk, I ask the Senator from North Carolina [Mr. SIMMONS] if it is not the duty of Senators, particularly on this side of the Chamber, to carefully consider the names of all persons nominated by the Chief Executive for places on the Tariff Commission, the Federal Trade Commission, and all other commissions and boards which, by law, are nonpartisan or bipartisan?

Mr. SIMMONS. Undoubtedly such should be done.

Mr. KING. I agree with the Senator. The purpose of Congress would be defeated if agencies of the character referred to are wholly selected from one political party, or are representative in a dogmatic and partisan way of but one class of political or economic thought. The boards and commissions which I am considering are important factors in the administration of the affairs of our Government, and their usefulness depends upon whether they act independently and in a fair and impartial manner in the discharge of the duties imposed upon them.

Partisan propaganda or political pressure exerted to secure the appointment of partisans to these Federal agencies should be condemned, and if any Executive should be influenced in making his appointments for these boards and commissions by such propaganda or partisan pressure, this course should be met by stout resistance by the Senate.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the senior Senator from Utah?

Mr. JONES of Washington. I yield.

Mr. SMOOT. I desire to assure my colleagues that the President of the United States will not be influenced in any way by such a letter as that which has been read at the desk. I do not know who the man is who has written the letter. I suppose he represents one of those organizations which collect money from all over the United States for the purpose of keeping in office their own officials. I have no doubt that what money they collect or have collected under this letter will be expended, as such money is usually expended, for running their own organization. No one can condemn this letter more than do I. It is unwise, it is unjust, and it will not help any farm organization in the United States. I, therefore, express the hope, Mr. President, that this will be a lesson to other organizations which may attempt to raise money in this way.

Mr. SIMMONS. Will the Senator from Washington indulge me for just a minute?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. JONES of Washington. I yield to the Senator.

Mr. SIMMONS. As I understood the Senator from Utah, he stated that he did not know who the person was who wrote the letter?

Mr. SMOOT. No.

Mr. SIMMONS. The editorial from which I read stated that Mr. McDonald was a former Governor of Colorado.

Mr. SMOOT. I should have said that I did not personally know him.

Mr. SIMMONS. I wish to join the Senator from Utah in expressing the opinion that the President of the United States will not yield to any such propaganda as that, I have no idea that the President would do so.

Mr. SMOOT. I do not think the President of the United States knows anything about the letter or ever would have heard of it if it had not been put out by the press.

Mr. SIMMONS. I assume the President would have heard of it.

Mr. PHIPPS. Will the Senator from Washington yield to me for a moment?

Mr. JONES of Washington. I yield to the Senator from Colorado.

Mr. PHIPPS. Mr. President, I am surprised, and I might say disappointed, that any such letter should have emanated from an organization claiming to have an office in Colorado, and that such a letter should have received the indorsement of other organizations composed of business men in the State of Colorado. I feel confident that they did not realize what they were doing in subscribing to any such purpose or indorsing a letter asking for contributions for improper uses.

I desire to join the senior Senator from Utah [Mr. SMOOT] in his statement, and I feel confident that the President would

rather lean backward and go against any recommendation backed by such influence than to yield to the solicitation of persons who would be influenced in that manner.

Mr. SIMMONS. I thank the Senator for that expression of opinion. It is, to my mind, one of the greatest outrages ever attempted, involving the very destruction of the principle upon which our Tariff Commission act was based.

Mr. PHIPPS. Absolutely. The organization which is known as the National Tariff Association—if that is the name, as I caught it from the reading of the letter—I think is an offshoot or branch of the Southern Tariff Association, so called.

Mr. SMOOT. I think that is correct.

ADDRESS BY ROBERT E. LEE SANER

Mr. MAYFIELD. I ask unanimous consent to have printed in the RECORD an address on "Governmental review," which was delivered in the city of Philadelphia last July by Hon. Robert E. Lee Saner, president of the American Bar Association.

The PRESIDING OFFICER. The Chair, in the dual function of temporary Presiding Officer and chairman of the Committee on Printing, will have to ask that that document be referred to the Committee on Printing, and it will be so referred.

MUSCLE SHOALS

The Senate resumed the consideration of the bill (H. R. 518) to authorize and direct the Secretary of War, for national defense in time of war and for the production of fertilizers and other useful products in time of peace, to sell to Henry Ford, or a corporation to be incorporated by him, nitrate plant No. 1, at Sheffield, Ala.; nitrate plant No. 2, at Muscle Shoals, Ala.; Waco Quarry, near Russellville, Ala.; steam-power plant to be located and constructed at or near Lock and Dam No. 17, on the Black Warrior River, Ala., with right of way and transmission line to nitrate plant No. 2, Muscle Shoals, Ala.; and to lease to Henry Ford, or a corporation to be incorporated by him, Dam No. 2 and Dam No. 3 (as designated in H. Doc. 1262, 64th Cong., 1st sess.), including power stations when constructed as provided herein, and for other purposes.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES of Washington. I yield to the Senator.

Mr. NORRIS. I ask unanimous consent that all speeches on the pending amendment be limited to 10 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request preferred by the Senator from Nebraska to the effect that all speeches upon the pending amendment shall hereafter be limited to 10 minutes?

Mr. SMITH. The Senator does not mean the Underwood amendment?

Mr. SIMMONS. No; the amendment of the Senator from Washington [Mr. JONES].

Mr. NORRIS. The pending amendment is the amendment offered by the Senator from Washington.

The PRESIDING OFFICER. The request relates to the so-called Jones amendment. Is there objection? The Chair hears none, and the unanimous-consent agreement is entered into.

Mr. JONES of Washington. Mr. President, because I have introduced this substitute I hope that no one will think that I assume that I know better how to deal with this problem than those who have given it a great deal of consideration and a great deal of study, but I confess that the longer the debate has run with reference to the various propositions before us, the more uncertain I have become as to the course we should adopt. I have heard other Senators express the same uncertainty. It was merely as expressing my own idea as to what would be the wisest thing to do under the circumstances that I prepared this amendment and have offered it and will ask for a vote upon it.

There have been many suggestions, of course, from both sides of the Chamber that the power interests were especially interested in the proposed legislation. I have been rather surprised to find that there are those on both sides of the question who have the same opinion with reference to the bill which they oppose. Some have suggested that the Underwood substitute is especially important to the power interests; that they were especially desirous of having it passed; and that they would be particularly benefited by it. And then I have heard other Senators state that the power interests would be equally benefited by the measure proposed by the Senator from Nebraska [Mr. NORRIS].

Mr. President, it is not necessary for me to say that there is no Member of the Senate who has any question as to the sincerity of either the Senator from Alabama or the Senator from Nebraska, and, whatever the effect of the respective measures might be or however one or the other might benefit this or that interest, there can be no doubt upon the part of any Senator that those who support the one measure or the other are absolutely sincere in their belief that the measure which they support is for the best interests of the country and the best interests of the people of the United States. There is simply a difference of opinion as to what should be done.

This is a tremendously important question. We have already expended at Muscle Shoals something over \$125,000,000, and about the lowest estimate that I have heard of possible expenditure there is \$150,000,000. It will probably be a larger sum than that. So, from the standpoint of its actual expenditure at Muscle Shoals, the Government is tremendously interested in the problem.

The junior Senator from Alabama [Mr. HEFLIN] has expressed some wonder as to why I should take any interest in this matter, coming as I do from a locality about 3,000 miles away from Muscle Shoals. Of course, Mr. President, I do have the good fortune to live about 3,000 miles from Muscle Shoals, but the people of my State are interested in it. The one hundred and twenty-five or one hundred and fifty million dollars will not come from Alabama; it will not come from Tennessee or the surrounding territory, but it will come more largely from territory far away, probably not so much from my State, although the people of my State will contribute in taxes which they will pay to the National Government quite a large sum of the one hundred and twenty-five million or one hundred and fifty million dollars. All the people of the country, Mr. President, are interested in this matter, for they are all affected to a greater or less degree, and they will all contribute their part toward the construction of whatever works will be put in there.

Of course, I appreciate the situation of the Senators from Alabama, and I have no fault to find with their earnestness and with their intense interest in this matter and the disposition of Muscle Shoals. Their attitude is very natural. I should be very much surprised if they did not manifest very great interest in it; but the remainder of the country is likewise interested in the proper disposition of this question, and, in my judgment, Mr. President, it is wise for us to make haste slowly.

The editorial read by the Senator from West Virginia [Mr. NEELY] yesterday expresses my sentiments very clearly and very concisely with reference to this question. It is important, of course, to settle it; but, in my judgment, we will do it more economically and we will get far better results by being pretty careful and sure that we are right before we take definite action.

It is true that this matter has been under consideration for quite a while, yet I think it is also true that the Congress has given most of its time and most of its attention to the concrete proposal by Mr. Ford, and when the bill proposed by the Senator from Nebraska [Mr. NORRIS] was reported to the Senate that proposition was still pending. The proposal submitted by the committee was proposed as a substitute for the proposal of Henry Ford, but the attention of the Congress and the attention of the people had been more particularly directed to the proposal of Mr. Ford, and it was not until long after this report that he withdrew his offer. So the House proposition, which involves the Henry Ford offer, really is not before the Senate for consideration, having been withdrawn by him.

The proposal of the Senator from Alabama [Mr. UNDERWOOD] never has been submitted to any committee. It never has been considered by any committee. I think, as a general rule, very great weight should be given to the report of a committee. My inclinations are generally in favor of supporting a proposal by a committee. In this instance, however, the committee was very seriously divided over the so-called Norris bill. Some of the strongest opposition presented to the bill of the Senator from Nebraska comes from members of the committee. When the matter was up I voted for the amendment of the Senator from Alabama. I did so, as was said by the Senator from New York the other day, because it seemed to me to be a little bit more in accord with my views than the proposal of the committee. There was not very much difference. Some of the remarks and discussion of the measure since that vote have led me to think that possibly I might change my vote if I had the opportunity.

It has been asserted by some Members who apparently have given the subject very careful consideration that the matter of Government ownership and control is not involved in either of

these propositions. There are, however, one or two other proposals in the substitute that had more influence with me than anything else; but I am not going to take the time to discuss them.

Mr. JOHNSON of California. Mr. President, just a query. I think I am not at all in error concerning the amendment. I want the confirmation of the view, however.

There is nothing in this amendment that circumscribes the kind of a report that might be made?

Mr. JONES of Washington. No; there is not.

Mr. JOHNSON of California. So that in the unlikely event that the Secretary of War or the Secretary of Agriculture or anybody else connected with the administration might want the Government to continue its activities, they might recommend it under the Senator's amendment?

Mr. JONES of Washington. They could. I tried to make my amendment simple and broad and comprehensive.

Mr. JOHNSON of California. I so read it.

Mr. JONES of Washington. Mr. President, briefly, my amendment provides for a commission composed of the Secretary of War and the Secretary of Agriculture and one other to be appointed by the President to consider every proposal connected with the improvement and development at Muscle Shoals. I have tried to frame it so as to be as little expensive as possible, and also to make the commission as effective as possible. I will say frankly that personally I should prefer a commission entirely independent of the officials of the Government, and I may say that I should like to see something like that come out of the conference or out of the consideration of this matter by the other House. I wanted, however, to have represented on this commission the different branches of the Government that are peculiarly interested in the proposition.

The Secretary of War is especially interested in the matter of national defense. The Secretary of Agriculture is especially interested in the matter of fertilizer for the benefit of the farmer. Then, of course, it is possible that the President, in the selection of the third member, would select some one who might especially represent the public.

The amendment requires this commission to report on or before the first Monday in December of this year, so that there will be but very little delay in the matter. We are insured a prompt report; and, as has been suggested by the Senator from California [Mr. JOHNSON], they are not limited in any way in the character of the report that they shall make, except that under the amendment they are not permitted to consider a proposal to lease this property for a longer period than 50 years. That brings the matter within the terms of the settled policy with reference to water-power disposition that Congress has laid down. We also direct them to consider the matter of nitrates for war purposes and fertilizer purposes, although we do not give them a positive direction as to what they shall do or what they shall include in their report; but they must consider those elements in making up and submitting their report.

Mr. President, in brief, those are the terms of the amendment. It seems to me that it is perfectly clear; and the only question, as it presents itself to me, is whether or not we feel that we are sufficiently informed to adopt a concrete but a very complicated proposal such as is involved in either one of these bills.

The PRESIDENT pro tempore. The time of the Senator from Washington has expired.

Mr. UNDERWOOD. Mr. President, I desire to take advantage of the 10 minutes accorded to me to make a brief comparison of the two measures.

In the first place, let me say that the nitrate plant at Muscle Shoals Dam No. 2, which is supposed to be an effective plant, and was six years ago, is completed. On the 1st day of next July Dam No. 2, furnishing an adequate supply of electricity to operate it, will be completed. So, on the 1st day of next July we shall have a plant that will be prepared to go ahead and do business.

The proposal that I have made, as it stands to-day—it has been somewhat amended—gives the President of the United States, with certain limitations in regard to the manufacture of nitrogen and fertilizer and the price that he must charge for leasing the dam, all of which are merely limitations and not directions, the absolute authority to take up this matter, make a lease if he can, and start this machinery to be a going concern.

That is all there is in the first part of my proposition. Although there is a good deal of other language, in substance that is what the bill provides for.

The question is as to whether you prefer, with a plant that can operate on the 1st of July, to allow the Secretary of War

and the Secretary of Agriculture and another commissioner to go out and examine all the properties and report to you as to what you should do, or whether you desire to turn them over to the President of the United States and say: "Here is the concrete proposition. It is a proposition that was agreed on in 1916 in the national defense act, and it is up to the Executive to run it, and you take it and run it."

In my judgment the President of the United States is just as capable of reaching that conclusion as the commission. You may say that you are going to appoint a commission and consider what they have to say. If that is the viewpoint, if you are merely appointing a commission to determine in the future and make a report to you, you will get nowhere. Next year we will be debating this subject over again, and all the water that is running over that dam, with its idle machinery, will be a loss to the people of the United States. It is certainly worth two or three million dollars a year, if not more.

It is true that this amendment provides that they may lease the power for not over a year. They may recover a small amount in that way; but you can not sell this water power at anything like an adequate consideration unless you are going to do it for a sufficient length of time for a man to go into the business and operate under it. A short lease of water power means an inadequate price.

As I understand the proposal of the Senator from Washington, there is some of it with which I am in thorough accord. On page 3, line 8, he provides that—

The production of an adequate supply of nitrates for war and fertilizer purposes is hereby declared to be the primary purpose of the Muscle Shoals development, and such purpose shall be given full consideration in the report and recommendations made to Congress hereunder.

Which I take to mean that that is a direction to this commission to lay aside the water-power proposition, and find a method by which a development can be made in favor of using this power for the production of fertilizers in time of peace and nitrogen in time of war.

Mr. JONES of Washington. Mr. President, if the Senator will permit me, I just want the Record to show that that was not the purpose, and I do not think it is the proper construction of the language that they should lay aside the power proposition. We want them to consider all, but that should be given special consideration.

Mr. UNDERWOOD. I understood what the Senator said. There is no man in the Senate Chamber whom I admire more than the Senator from Washington, but I am compelled to try his case on the language he has in his amendment. I do not know what the Senator's intention was, but the language I read is in the amendment, and it says:

The production of an adequate supply of nitrates for war and fertilizer purposes is hereby declared to be the primary purpose of the Muscle Shoals development.

Mr. JONES of Washington. Yes; but not the only purpose.

Mr. UNDERWOOD. But if it is the primary purpose, that is what they have to undertake to do.

Now let me call the Senator's attention to another clause. After naming the commission, he provides that—

They are hereby constituted a commission to investigate and study the proposals and questions involved in the use and disposition of the water-power resources and property of the United States at and connected with Muscle Shoals and to report to Congress on or before the first Monday in December, 1925, its conclusions and recommendations for the use or disposition of the same.

That is the only other clause in the amendment that refers to what they shall do. That clause is coupled with a clause which says that the primary purpose shall be for fertilizer and for national defense. Those being the only two clauses on the subject, I think the natural construction is that it is for that purpose, and I am glad to have it for that purpose. I am not in disagreement with the Senator from Washington if that is his purpose, because, as I have said all the time, this is not a proposal for a great superpower proposition, and ought not to be. In 1916 we pledged ourselves to national defense. It is what the people of America understood we were going to do when we erected this plant. I want it held to that purpose. I want it held to such a purpose that should the tocsin of war sound again we will know that we have at least 40,000 tons of pure nitrogen with which to defend our coast line.

The Senator also says in the first section of his amendment:

The commission may invite proposals for the lease or purchase of such properties, or any part thereof, and report such proposals to Congress, with their recommendations in regard to the same.

That is, with regard to the lease or purchase.

He has limited his commission to recommendations for lease or purchase. I am not now and never have been in favor of selling this property. I prefer private operation to Government operation. But the title to this property should remain in the United States, because it is for defense in time of war, and I am not in favor of any commission reporting that we shall sell it. I do not know that the commission would so recommend, but it does not authorize Government operation. There is not one word in this amendment that would authorize the Government, in the event we could not get a lessee or a purchaser, to organize a Government corporation and run the property, and, although I do not believe in the doctrine of the Government engaging in business in order to create a supply of nitrogen for war purposes, I think without violation of my principles I can say that if it is impossible to get a lease we are justified in creating a corporation which will be in a stand-by condition to produce nitrogen in time of war.

Mr. JONES of Washington. Mr. President, does not the Senator think the language in lines 11 and 12, page 1, "its conclusions and recommendations for the use or disposition of the same," would authorize the commission to submit any proposal for Government operation or otherwise? That is what I intended.

Mr. UNDERWOOD. As I said a while ago, there is no man in the Senate in whom I have more confidence than I have in the Senator from Washington; but I must read what the Senator says in his amendment.

Mr. JONES of Washington. I know that; and I was reading part of the language of the amendment, but we must construe it all together.

Mr. UNDERWOOD. If what the Senator has read had been all he provided in his amendment, I think it might be construed to authorize a recommendation in favor of Government operation; but in construing the amendment we must take it by its four corners.

Mr. JONES of Washington. That is what I am doing.

Mr. UNDERWOOD. The Senator says that they shall make such recommendations "for the use and disposition of the same," and then a few lines below the amendment provides that "the commission may invite proposals for the lease or purchase" of the property. Nowhere does the Senator say anything about a Government corporation running it in the event we can not get a lessee or purchaser.

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired. The question is on agreeing to the amendment by way of substitute offered by the Senator from Washington [Mr. JONES].

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum so as to give those now out of the Chamber an opportunity to be present when the vote is taken.

The PRESIDENT pro tempore. A quorum call is demanded, and the Secretary will call the roll to ascertain if a quorum of the Senate be present.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Fernald	La Follette	Shields
Ball	Ferris	McCormick	Shipstead
Bayard	Fess	McKellar	Shortridge
Bingham	Fletcher	McKinley	Simmons
Borah	George	McNary	Smith
Brookhart	Gerry	Mayfield	Smoot
Bruce	Gooding	Means	Spencer
Bursum	Greene	Metcalf	Stanley
Butler	Hale	Moses	Stearns
Cameron	Harrell	Neely	Swanson
Capper	Harris	Norris	Trammell
Copeland	Harrison	Oddie	Underwood
Couzens	Heflin	Overman	Wadsworth
Cummins	Johnson, Calif.	Pepper	Walsh, Mass.
Curtis	Jones, N. Mex.	Phipps	Walsh, Mont.
Dale	Jones, Wash.	Pittman	Warren
Dial	Kendrick	Ralston	Watson
Dill	Keyes	Ransdell	Willis
Edge	King	Reed, Pa.	
Elkins	Ladd	Sheppard	

Mr. RANDELL. I wish to state that my colleague [Mr. BROUSSARD] is necessarily absent owing to illness.

The PRESIDENT pro tempore. Seventy-eight Senators have answered to the roll call. There is a quorum present. The question is upon agreeing to the amendment by way of substitute offered by the Senator from Washington [Mr.

JONES]. Upon that question the yeas and nays have been ordered, and the Secretary will call the roll.

The principal legislative clerk proceeded to call the roll.

Mr. ELKINS (when his name was called). I desire to announce that I have a general pair with the senior Senator from Oklahoma [Mr. OWEN].

Mr. LADD (when Mr. FRAZIER's name was called). My colleague [Mr. FRAZIER] is absent on account of illness in his family. He is paired with the junior Senator from New Jersey [Mr. EDWARDS]. If my colleague were present, he would vote for the Jones amendment, and I understand that if present the Senator from New Jersey [Mr. EDWARDS] would vote in opposition to it.

Mr. SWANSON (when Mr. GLASS's name was called). My colleague [Mr. GLASS] is unavoidably detained from the Senate. He is paired with the senior Senator from Connecticut [Mr. McLEAN].

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. He is absent, and I transfer my pair to the senior Senator from Maryland [Mr. WELLER] and vote "yea."

Mr. RANDELL. I wish to announce that my colleague [Mr. BROUSSARD] is necessarily absent on account of illness.

Mr. STANLEY (when his name was called). I have a general pair with my colleague [Mr. ERNST]. In his absence, I transfer that pair to the senior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

The roll call was concluded.

Mr. McNARY. My colleague [Mr. STANFIELD] is absent. He is paired with the junior Senator from Arkansas [Mr. CARAWAY]. If my colleague were present, he would vote "yea"; and if the Senator from Arkansas [Mr. CARAWAY] were present, he would vote "nay."

Mr. SHIPSTEAD. My colleague [Mr. JOHNSON of Minnesota] is absent on account of sickness in his family. He is paired with the junior Senator from Mississippi [Mr. STEPHENS]. If my colleague were present, he would vote "yea"; and if the Senator from Mississippi were present, he would vote "nay."

Mr. GERRY. I desire to announce that the senior Senator from Arkansas [Mr. ROBINSON] is paired with the junior Senator from Kentucky [Mr. ERNST]. If present, the Senator from Arkansas [Mr. ROBINSON] would vote "nay," and I understand the Senator from Kentucky [Mr. ERNST] would vote "yea."

Mr. WALSH of Montana. My colleague [Mr. WHEELER] is unavoidably absent. If present, he would vote "yea."

Mr. HARRISON. The junior Senator from Mississippi [Mr. STEPHENS] is unavoidably absent. He has a pair on this question with the junior Senator from Minnesota [Mr. JOHNSON]. If my colleague were present, he would vote "nay."

The result was announced—yeas 46, nays 33, as follows:

YEAS—46

Ashurst	Ferris	Moses	Shipstead
Ball	Gooding	Neely	Shortridge
Bingham	Harrell	Norbeck	Simmons
Borah	Johnson, Calif.	Norris	Smith
Brookhart	Jones, N. Mex.	Oddie	Smoot
Bursam	Jones, Wash.	Overman	Sterling
Cameron	La Follette	Pepper	Wadsworth
Capper	McCormick	Philpotts	Walsh, Mass.
Copeland	McKellar	Ralston	Walsh, Mont.
Couzens	McNary	Randell	Watson
Cummins	Mayfield	Reed, Pa.	
Dill	Means	Sheppard	

NAYS—33

Bayard	Fletcher	Keyes	Stanley
Bruce	George	King	Swanson
Butler	Gerry	Ladd	Trammell
Curtis	Greene	McKinley	Underwood
Dale	Hale	McLean	Warren
Dial	Harris	Metcalf	Willis
Edge	Harrison	Pittman	
Fernald	Heflin	Shields	
Fess	Kendricks	Spencer	

NOT VOTING—17

Broussard	Frazier	Owen	Weller
Caraway	Glass	Reed, Mo.	Wheeler
Edwards	Howell	Robinson	
Elkins	Johnson, Minn.	Stanfield	
Ernst	Lenroot	Stephens	

So the amendment of Mr. JONES of Washington in the nature of a substitute was agreed to, as follows:

In lieu of the amendment made in the Committee of the Whole insert:

That the Secretary of War, the Secretary of Agriculture, and a third person to be appointed by the President of the United States who, if not a public official of the United States, shall be paid out of the appropriation herein authorized such compensation as may be fixed by the President, be, and they are hereby, constituted a commission to investigate and study the proposals and questions involved

in the use and disposition of the water-power resources and property of the United States at and connected with Muscle Shoals and to report to Congress on or before the first Monday in December, 1925, its conclusions and recommendations for the use or disposition of the same. The commission is authorized and directed to use in the work herein authorized such employees of the War and Agricultural Departments as can be used advantageously, and may employ such additional assistants as may be necessary within the limits of appropriations made for such purposes. The commission may invite proposals for the lease or purchase of such properties, or any part thereof, and report such proposals to Congress, with their recommendations in regard to the same. The appropriation of \$100,000 is hereby authorized for carrying out the purposes of this act. Until legislation shall be enacted providing otherwise, the Secretary of War, with the approval of the President, is authorized temporarily to dispose of the power developed at Muscle Shoals from time to time upon such terms as he may deem wise, but no contract for the use of the power shall be made for a longer period than one year. No proposal for a lease of any of the property or resources involved herein for more than 50 years shall be considered. The production of an adequate supply of nitrates for war and fertilizer purposes is hereby declared to be the primary purpose of the Muscle Shoals development, and such purpose shall be given full consideration in the report and recommendations made to Congress hereunder.

SEC. 2. The Secretary of War is hereby authorized to construct Dam No. 3 in the Tennessee River, at Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the Secretary of War may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation: *Provided further*, That funds for the prosecution of this work may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors.

Mr. NORRIS. Mr. President, I desire to submit to the Chair a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. NORRIS. I desire to offer an amendment striking out the amendment just agreed to and inserting a substitute. I can, of course, offer it in a different way as an amendment, but I inquire of the Chair whether it is in order now to offer an amendment striking out the Jones amendment and inserting a substitute different from the one upon which we have voted either in Committee of the Whole or in the Senate.

The PRESIDENT pro tempore. Let the Chair understand the question. The Senator from Nebraska inquires whether it is in order now to offer a substitute for the amendment just agreed to?

Mr. NORRIS. Yes.

The PRESIDENT pro tempore. That amendment being one acted upon as in Committee of the Whole?

Mr. NORRIS. No.

The PRESIDENT pro tempore. The Chair thinks it is in order.

Mr. NORRIS. Very well. I offer the amendment which I send to the desk.

Mr. McKELLAR. May I inquire of the Senator whether the amendment he now submits incorporates the amendment which I offered?

Mr. NORRIS. I will say to the Senator that it does incorporate that amendment. It is the last section.

The PRESIDENT pro tempore. The Senator from Nebraska offers an amendment, which the clerk will read for the information of the Senate.

The PRINCIPAL LEGISLATIVE CLERK. Strike out all after the enacting clause and insert the following:

SECTION 1. That the Secretary of War is hereby authorized and directed to complete the construction of Dams Nos. 2 and 3 in the Tennessee River, at Muscle Shoals, Ala., in accordance with report submitted in House Document 1262, Sixty-fourth Congress, first session: *Provided*, That the Secretary of War may in his discretion make such modifications in the plans presented in such report as he may deem advisable in the interest of power or navigation: *Provided further*, That funds for the prosecution of this work may be allotted from appropriations heretofore or hereafter made by Congress for the improvement, preservation, and maintenance of rivers and harbors; and in order to provide for a larger amount of primary power to be developed on the Tennessee River if a suitable site or sites can be found upon investigation, where practical storage reservoirs can be obtained at reasonable cost, the Secretary of War is directed to take the necessary steps to secure such sites and to build the necessary dams for the impounding of water therein. If the Secretary of War, under authority of this act, constructs one or more dams for the purpose of impounding

the waters of said river, he shall give due consideration in the construction of such dams to the development of hydroelectric power, to the necessities of navigation, and flood control.

SEC. 2. That in the construction of said Dam No. 3, or in the construction of other dams or other works provided for in this act, the Secretary of War is hereby authorized to use and to remove any of the temporary buildings now owned by the Government of the United States and erected anywhere in the vicinity of Muscle Shoals or nitrate plants Nos. 1 or 2, providing the removal of such buildings will not interfere with the operations of the Federal Chemical Corporation as hereinafter set forth.

SEC. 3. That if the Secretary of War should find it advisable and practical to construct storage reservoirs on the Tennessee River or any of its tributaries as hereinbefore provided, and that by virtue thereof the flow of the Tennessee River is equalized and a larger amount of primary power thereby developed, he shall require of any private person, partnership, or corporation maintaining a dam on said river for the development of power, to contribute his or its proportionate share for the construction of said reservoirs, and he is hereby authorized to take the necessary action or actions in court for the purpose of compelling contribution to such development by any person, partnership, or corporation receiving the benefits therefrom; and if the right to dam said river for the purpose of developing hydroelectric power is hereafter given by virtue of any law of the United States, to any person, partnership, or corporation, one of the requirements of said grant shall be that the person, partnership, or corporation given the privilege to build any such dam, shall pay his or its proportionate share of the expenses of the construction of any such reservoir or reservoirs, either then constructed or thereafter constructed by virtue of this act.

SEC. 4. That there is hereby incorporated and created a corporation by the name, style, and title of "the Federal Chemical Corporation" (hereafter referred to as the corporation). Said corporation shall have perpetual succession and shall have power—

- (1) To adopt, use, and alter a corporate seal;
- (2) To sue and be sued and to complain and to defend in any court of law and equity within the United States;
- (3) To make and enforce such contracts as may be necessary to carry out the provisions of this act;
- (4) To appoint and fix the compensation of such employees, attorneys, and agents as are necessary for the transaction of the business of the corporation, to define their duties, require bonds of them, and fix the penalties thereof; but in no case shall any such employee receive a salary in excess of \$12,000 per annum;
- (5) To prescribe, amend, and repeal by-laws not inconsistent with this act for the conduct of its business;
- (6) In the name of the United States Government, to exercise the right of eminent domain, and in the purchase of any real estate or in the acquisition of real estate by condemnation proceedings the title to such real estate shall be taken in the name of the United States Government; and
- (7) To exercise all the rights, powers, and privileges conferred upon it by this act and such additional powers as may be necessary to carry out the provisions of this act.

SEC. 5. That the business of said corporation shall be transacted by a board of directors (hereinafter called the board), consisting of three persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate. Members of said board shall hold their offices during good behavior and shall receive a salary of \$10,000 per year, payable monthly: *Provided*, That any member of said board may be removed from office at any time by a concurrent resolution of the House of Representatives and the Senate. No member of said board shall during his continuance in office be engaged in any other business, but shall give his entire time to the business of said corporation. Said board shall select one of its members as president. It shall select a treasurer and as many assistant treasurers as it deems proper, and such treasurer and assistant treasurers may be corporations or banking institutions and shall give such security for the safe-keeping of the moneys of said corporations as the board may require.

SEC. 6. In the appointment of officials and the selection of employees for said corporation and in the promotion of any such employees or officials no political test of qualifications shall be permitted or given consideration, but all such appointments and promotions shall be given and made on the basis of merit and efficiency. The board shall keep a record of all requests, oral and written, made to any member thereof, coming from any source, asking for any favor in behalf of any person or the promotion of any employee, which record shall be open to the public inspection. Any member of said board who permits the use of political or partisan influence in the selection of any employee, or in the promotion of any such employee of said corporation, or who gives any consideration to political consideration in the official action of said board, or who, knowing that such political influence has been or is attempted, does not record the same in said record shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding \$1,000 or be imprisoned not to exceed six months,

or both such fine and imprisonment, and the conviction of any member of said board of the offense herein defined shall have the effect of removing such member from office.

SEC. 7. That upon the completion of the organization of said corporation, the President and the Secretary of War shall turn over to said corporation United States nitrate plants Nos. 1 and 2, erected at Muscle Shoals, Ala., together with all real estate used in connection therewith; all machinery, tools, equipment, accessories, and materials thereunto belonging; all laboratories and plants used as auxiliaries thereto, the Waco Quarry in Franklin County, Ala.; the railroad, together with the engines, cars, tools, materials, machine shops, and all accessories used in the operation of said railroad at or near Muscle Shoals, Ala.; and all other power units and transmission lines of the United States used as auxiliaries of the United States nitrate plants Nos. 1 and 2: *Provided, however*, That the transfer of any of the property above described to said corporation shall be subject to such use of said property by the Secretary of War as he may elect, in the construction and development of the dams hereinbefore provided for.

As soon as any of the dams herein provided to be constructed by the Secretary of War have been completed the President and the Secretary of War shall turn the same over to said corporation, together with all buildings and real estate owned by the United States used in connection therewith, and thereafter said property shall be in the control and under the management of said corporation. Said corporation shall also have the power and authority to acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable by said corporation to carry out the provisions of this act. It shall have power to establish agencies anywhere in the United States for the sale of its products, and in order to prevent a monopoly of the fertilizer business or the undue and unreasonable advance in the price of fertilizer, it shall have power to manufacture a completed fertilizer ready for use, and if necessary, to sell the same direct to farmers or to organizations of farmers; and in the sale of chemical parts of fertilizer to manufacturers thereof, it shall have power to prescribe the price at which such manufacturer so purchasing any of the corporation's products shall sell the fertilizer to the farmer. It is hereby declared that one of the objects of this act is to regulate the sale of fertilizer to persons engaged in agriculture with a view to preventing the control of the price of such fertilizer by a monopoly or the sale thereof at unreasonable prices.

It shall be the duty of said board, through the operation of its laboratories and experimental plants, to devise and install improvements in nitrate plants Nos. 1 and 2 as such experiments and developments may, in the judgment of the said board, be deemed advisable.

SEC. 8. That in case all the power developed at Dams Nos. 2 and 3, or any other dam or dams constructed by the Secretary of War under the provisions of this act and turned over to said corporation, can not be used to practical advantage and is not necessary for the manufacture of fertilizer or explosives as herein provided, the board may, in its discretion, sell any such surplus power so developed to any State, municipality, district, corporation, partnership, or person, upon such terms and under such conditions as the board may deem just; and in making such sale the board shall give preference to States, counties, municipalities, and districts; and if the sale of such surplus power is made to private individuals, corporations, or partnerships for distribution or resale, the board may, as one of the conditions of such sale, provide in the contract therefor for the regulation of the price at which any such individual, partnership, or corporation shall charge the consumer in a resale of such power.

In order to convert secondary power into primary power and thereby cheapen the hydroelectric power produced and increase the number of people to be benefited by such use, as well as to cheapen the price thereof to the consumer, the corporation is hereby authorized to enter into agreements with the owners of existing transmission lines or with the owners of transmission lines hereafter constructed to bring about the exchange of power whenever the same can be advantageously done. The corporation is authorized to construct transmission lines for the purpose of giving wider distribution to the use of the hydroelectricity developed at any of said dams and to enter into contracts with persons, partnerships, corporations, municipalities, districts, or States for the joint construction and joint use of such transmission lines, having always in view that one of the objects of this act is to give as wide a distribution as possible at the smallest practicable cost the use of the electric current developed at any of the dams herein provided for.

SEC. 9. The corporation is hereby authorized to complete the steam auxiliary plant at nitrate plant No. 2 in accordance with the original plan.

It shall also have power to purchase or lease transmission lines owned by other parties or to purchase or lease an interest in the same for joint use.

SEC. 10. There shall be turned over to said corporation by the Secretary of the Treasury the sum of \$3,472,487.25, received by the United States for the sale to the Alabama Power Co. of the Gorgas steam plant at Gorgas, Ala., and said sum is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of

War is directed to sell all surplus materials at Muscle Shoals not needed by said corporation in carrying out the provisions of this act and turn the proceeds thereof over to said corporation, which sums shall be considered the operating capital of the corporation. The corporation shall continue to increase said capital from its net earnings until the sum amounts to \$25,000,000, and thereafter all the income from said corporation not necessary for depreciation, management, and other legitimate expenses of said corporation shall be turned over to the Treasury of the United States.

SEC. 11. The corporation shall supply to the Government of the United States free of charge a sufficient amount of power necessary to operate all the locks that are established in any of the dams herein provided for for navigation purposes.

SEC. 12. In time of war, or at any other time when in the opinion of the President of the United States war is imminent, the President may take full possession of all of the property herein described and use the same for the manufacture of explosives to be used by the Army and Navy; or, in such case, the President may, if he so elects, direct the board to cease either in part or wholly the manufacture of fertilizer and to utilize said property to such extent as he may direct in the operation of explosives. Until such war is ended, or in the opinion of the President the danger thereof has passed, the said board shall operate said property in accordance with the direction and under the instruction of the President of the United States.

SEC. 13. That the board shall make a full, complete, and detailed report of its operation as soon after the close of each calendar year as possible to the Congress of the United States. In addition to the report so made, the Secretary of War shall at least once each year make a complete audit of all the accounts and all the financial operations of said corporation and shall include in his annual report to Congress a detailed statement thereof.

The principal place of business of said corporation shall be established by the board at or near Muscle Shoals, Ala.

SEC. 14. All laws relating to embezzlement, conversion, improper handling, redemption, use, or disposal of moneys of the United States shall apply to moneys of the corporation while in the custody of any officer, employee, or agent of the United States or of the corporation.

SEC. 15. It is hereby declared to be the spirit and intention of Congress in passing this act—

(a) Primarily to provide for the national defense by maintaining ready for immediate use for war purposes nitrate plant No. 2;

(b) To promote agriculture by developing cheap fertilizers and other things of benefit to agriculture to the highest degree;

(c) To assist in the development of electric power by the complete storage and utilization of the waters of our rivers and their tributary streams in conjunction with steam and other sources of fuel, to the end that electrical energy may be carried to all citizens.

(d) These objects shall be carried out as nearly as possible without interference with private enterprise.

SEC. 16. Since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in this act shall be used, when not required for national defense, in the manufacture of commercial fertilizers. In order that the experiments heretofore ordered made may have a practical demonstration, the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and thereafter 40,000 tons of fixed nitrogen: *Provided*, That if after due tests, and the practical demonstration of six years herein provided for, it is demonstrated to the satisfaction of the corporation that nitrates can not be manufactured by it without loss, it shall cease to manufacture the same, and the corporation shall report to the Congress all pertinent facts with respect to such costs with its recommendation for such action as the Congress may deem advisable.

The farmers and other users of fertilizer shall be supplied with fertilizers at prices which shall not exceed 1 per cent above the cost of production.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment proposed by the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. President, several Senators have asked that I explain the difference between this proposed amendment and the committee bill which we have had before the Senate as in Committee of the Whole. Most of those Senators who have asked me to do that, however, are out of the Chamber at the present time, and I think we ought to have a quorum present.

Mr. CURTIS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Kansas?

Mr. NORRIS. I yield.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ball	Edge	La Follette	Reed, Pa.
Bayard	Fernald	McKellar	Sheppard
Bingham	Ferris	McKinley	Shields
Borah	Fletcher	McLean	Shortridge
Brookhart	George	McNary	Simmons
Bruce	Gerry	Means	Smith
Bursum	Gooding	Metcalf	Smoot
Butler	Hale	Neely	Spencer
Cameron	Harrell	Norris	Stanley
Capper	Harris	Oddie	Swanson
Copeland	Harrison	Overman	Trammell
Couzens	Heflin	Owen	Underwood
Cummins	Johnson, Calif.	Pepper	Wadsworth
Curtis	Jones, N. Mex.	Phipps	Walsh, Mass.
Dale	Jones, Wash.	Pittman	Willis
Dial	Kendrick	Ralston	
Dill	Keyes	Ransdell	

Mr. RANSDELL. I wish to announce that my colleague [Mr. BROUSSARD] is necessarily absent on account of illness.

The PRESIDENT pro tempore. Sixty-six Senators have answered to the roll call. There is a quorum present.

Mr. NORRIS. Mr. President, I desire to explain to the Senate the difference between the amendment which I have offered and the committee bill. Although this amendment has been printed for quite a long while, since December 8, it seems not to be generally understood.

During the first two or three days of the debate, when this question came up on the report of the committee and the committee bill, there were two objections that were very strenuously urged against the committee bill, not only on the floor of the Senate but in private conversation in various ways. On the 8th of December, in order to meet those objections, I had printed the bill which has now been offered as an amendment to the Jones bill. In that bill I met the objections that so far have been offered against the committee bill.

One of those objections was that in the committee bill the salary was fixed at \$7,500 a year, and the corporation provided for in that bill was not authorized to pay a higher salary than that. Various Senators urged the objection that it would be an impossibility for the corporation to work successfully with a salary limitation of that kind, and that they ought not to be limited to so low a figure. In the bill now offered the salary is limited to \$12,000, though the members of the board themselves get \$10,000 instead of \$7,500.

Another objection that was offered in the very best of faith, and which I think everybody must concede there was at least very good reason to believe to be good, was this:

The committee bill divided this work at Muscle Shoals between the corporation that was set up in the bill, which was directed to operate the power part of it, and the Secretary of Agriculture, to whom nitrate plants Nos. 1 and 2 and steam plant No. 1 were turned over; and it was provided that the corporation should supply the Secretary of War with the power necessary to operate. Objection was made that that divided the responsibility. It was an objection made in the committee, a question that we debated at a great deal of length, as to whether we should divide this responsibility. The original bill which I introduced, and which was before the committee, and upon which they acted, did not divide the responsibility. It put it all under the corporation.

Another objection that has been made since the bill has been pending here is that, since the Secretary of Agriculture, a member of the Cabinet, has charge under the old committee bill of nitrate plants Nos. 1 and 2 and all the experimentation, that necessarily puts it to that extent in politics, and that he, being a political appointee, would not be able to bring about such efficient management of the fertilizer proposition as a corporation would be or some one not directly connected with the Government who was liable to be removed at any time.

These objections, I say, were urged in the Senate when the bill came up. I have met these objections by the amendment now pending. It turns over to the corporation all of the property at Muscle Shoals. It turns over to this corporation both nitrate plants, both steam plants, the Waco quarry, and all of the other property, and directs the corporation to operate it.

It contains the same provisions in regard to experimentation and fertilizer that were in the committee bill, except that this corporation must handle it instead of the Secretary of Agriculture. It authorizes and directs the corporation to experiment,

to build whatever additional buildings are necessary, and so forth and so on, to carry on almost without limit experiments in fertilizer and fertilizer parts. It is not confined to nitrogen alone. The corporation can manufacture there any ingredient of fertilizer by any method that it may invent or that anybody else may invent or discover. The amendment provides, as did the committee bill, that the corporation can sell the completed product to farmers or organizations of farmers.

My amendment has attached to it the so-called McKellar amendment, which provides that this experimentation in fertilizer shall be carried on for at least six years, and that, just as under the Underwood bill, they shall make 20,000 tons of nitrates the third year, 30,000 tons the fourth year, and 40,000 tons of nitrates the fifth year, the sixth year, and thereafter. It provides that after they have experimented to that extent for six years and have reached the maximum capacity of 40,000 tons, if it still appears that fertilizer can not be manufactured there without financial loss, they must cease operation and report all the facts to Congress for whatever direction Congress may see fit to give.

Mr. President, I think now I have explained all of the differences between this bill and the committee bill that was before us as in Committee of the Whole. If there are any questions, I shall be glad to answer them; but, as I understand, the differences I have outlined are all of the differences.

Mr. McKELLAR. Mr. President, I want to say just a word or two in reference to the amendment which the Senator from Nebraska has accepted in regard to the manufacture of fertilizer.

I want to call the especial attention of the Senate to the original amendment, on pages 7 and 8:

As soon as any of the dams herein provided to be constructed by the Secretary of War have been completed the President and the Secretary of War shall turn the same over to said corporation, together with all buildings and real estate owned by the United States used in connection therewith, and thereafter said property shall be in the control and under the management of said corporation. Said corporation shall also have the power and authority to acquire, establish, maintain, and operate such other laboratories and experimental plants as may be deemed necessary or advisable by said corporation to carry out the provisions of this act. It shall have power to establish agencies anywhere in the United States for the sale of its products, and in order to prevent a monopoly of the fertilizer business or the undue and unreasonable advance in the price of fertilizer, it shall have power to manufacture a completed fertilizer ready for use, and, if necessary, to sell the same direct to farmers or to organizations of farmers; and in the sale of chemical parts of fertilizer to manufacturers thereof it shall have power to prescribe the price at which such manufacturer so purchasing any of the corporation's products shall sell the fertilizer to the farmer. It is hereby declared that one of the objects of this act is to regulate the sale of fertilizer to persons engaged in agriculture, with a view to preventing the control of the price of such fertilizer by a monopoly or the sale thereof at unreasonable prices.

Then follows the amendment I have offered, which is as follows:

Since the production and manufacture of commercial fertilizers is the largest consumer of fixed nitrogen in time of peace, and its manufacture, sale, and distribution to farmers and other users, at fair prices and without excessive profits, in large quantities throughout the country is only second in importance to the national defense in time of war, the production of fixed nitrogen as provided for in this act shall be used, when not required for national defense, in the manufacture of commercial fertilizers. In order that the experiments heretofore ordered made may have a practical demonstration, and to carry out the purposes of this act, the corporation shall manufacture nitrogen and other commercial fertilizers, mixed or unmixed, and with or without filler, according to demand, on the property hereinbefore enumerated, or at such other plant or plants near thereto as it may construct, using the most economic source of power available, with an annual production of these fertilizers that shall contain fixed nitrogen of at least 10,000 tons the third year, 20,000 tons the fourth year, 30,000 tons the fifth year, and 40,000 tons the sixth year: *Provided*, That if after due tests, and the practical demonstration of six years herein provided for, it is demonstrated to the satisfaction of the corporation that nitrates can not be manufactured by it without loss, the corporation shall cease such manufacture and shall report to the Congress all pertinent facts with respect to such costs with its recommendation for such action as the Congress may deem advisable.

The farmers and other users of fertilizer shall be supplied with fertilizers at prices which shall not exceed 1 per cent above the cost of production.

Mr. President, those Senators who have talked so much about being interested in the farmers now have a chance to cast

their votes for a measure that really will benefit the farmers of the Nation. Under the provisions of this bill it is made mandatory upon the Government—not upon some private corporation that may or may not manufacture nitrates, but it is made mandatory upon the Government of the United States—to manufacture nitrates for six years to determine whether or not they can be manufactured without loss in the interest of the farmer.

Even then the corporation is required to report to the Congress what it has learned from the experiments theretofore made, and it is up to Congress to decide whether the manufacture of nitrates shall be continued. In other words, under the Norris proposal, with this amendment, the farmers of the country are guaranteed the manufacture of nitrogen by the Government. The guaranty provided is infinitely better, as I stated a moment ago, than a guaranty by any corporation, and especially better than that held out in the terms of the Underwood amendment, under the terms of which I do not believe any nitrogen would have been manufactured. Under this bill I know nitrogen will be manufactured. Under the Underwood bill the nitrogen manufactured was to yield a profit to the corporation of 8 per cent on the cost of production. Under this bill the profit will be only 1 per cent. In other words, the Government does not desire to make any profit out of the farmers at all. It desires, if it can, to manufacture nitrogen at actual cost, so that farmers can get fertilizer at a lower price.

I want to hear and see what these Senators who have been talking about standing for the farmers are going to do. They know that nitrates are to be manufactured by the Government if this bill passes. They know the fertilizer will be sold to the farmers at a very much lower price than that at which it could have been sold under the Underwood proposal. What are they going to do about it if they are sincerely in favor of the farmers of the country? It seems to me they will gladly accept this proposal, which is infinitely better for the farmers of the country.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER (Mr. McNARY in the chair). Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. McKELLAR. I yield.

Mr. GEORGE. Does the substitute now offered by the Senator from Nebraska contain the amendment which the Senator from Tennessee has offered?

Mr. McKELLAR. The one which bears my name. I want to say to the Senator that that amendment, while it bears my name, was prepared by a number of Senators on this side of the Chamber and on the other side of the Chamber. It was carefully worked out, and was acceptable to those of us who felt that in this legislation the farmers of the country ought to be looked after.

Mr. GEORGE. The amendment bearing the Senator's name is now in this proposal?

Mr. McKELLAR. It is in the proposal.

Mr. GEORGE. Then I wish to say to the Senator that in the utmost good faith I supported the Underwood bill, because I believed it gave a fair chance at least to test the question whether in time of peace nitrates could be made for the farmer, and at a price cheaper than that at which those nitrates are now being sold. I have no difficulty in supporting the substitute now offered by the Senator from Nebraska, particularly with the amendment providing for the manufacture of nitrates. Indeed, I am glad to do so. I have always recognized the virtue of the main proposal carried in the bill offered by the Senator from Nebraska. In many respects I liked his bill and preferred it over the Underwood bill; but I was controlled by but one consideration, and that was the desire to do something with the Muscle Shoals project as far as possible.

I have never been concerned, nor in the least alarmed, about any suggestion touching Government ownership and operation, in so far as the bill of the Senator from Nebraska involved that question. I recognize the fact that the Government now owns Muscle Shoals and ought always to own it; and I recognize the fact also that the operation of a standardized industry like a hydroelectric power plant is not comparable at all and involves none of the difficulties and involves none of the dangers ordinarily seen in Government operation by those who oppose Government operation.

It was not upon that theory at all that I voted in the first instance for the Underwood bill, but solely upon the theory that we had promised the farmers of the South that nitrates would be manufactured at Muscle Shoals so that they could be purchased at a price much lower than that charged for Chilean nitrate, and that the manufacture of nitrates there would be reflected in cheaper fertilizer. Whether we have been

correctly making those representations and whether we have been ourselves deceived in holding that view out to the farmers of the country, I believe in trying to execute our promise.

In other words, I believe in trying to perform as well as promise in that regard; and, so far as I am personally concerned, will find no difficulty in supporting the substitute now offered by the Senator from Nebraska; and indeed I am glad to do so, recognizing that it does contain, in my judgment, certain superior and advantageous terms and conditions.

Mr. McKELLAR. Mr. President, I thank the Senator for his contribution to the debate. I think the Senator's position is entirely a correct one. It is a patriotic one and, at the same time, it is in exact accord with mine in this respect—that I, too, am one of those southern Senators who have promised the people down there that whatever the disposition of the power at the shoals, I would do everything in my power to see to it that fertilizers were made at that plant. The acceptance by the Senator from Nebraska of the amendment which I offered covers that entirely.

I agree with the Senator that the proposal of the Senator from Nebraska in other respects is excellent; is splendid. I sincerely hope that the amendment which has now been offered by the Senator from Nebraska will be adopted by the Senate.

Mr. SIMMONS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from North Carolina?

Mr. McKELLAR. I yield.

Mr. SIMMONS. This amendment has just been offered this morning, and we have not had time to examine it very carefully; but as I understand the amendment offered by the Senator from Tennessee, which has been accepted by the Senator from Nebraska, it provides for the manufacture of nitrogen at these two plants to the same extent as was provided in the Underwood amendment.

Mr. McKELLAR. The Senator's understanding about that is absolutely correct. It goes further than the Underwood proposal in the matter of experiment. It establishes a bureau or organization of chemists to find the best methods of manufacturing nitrates from the air, as well as fertilizers; and then, as a practical demonstration, it provides for the manufacture of fertilizers, in the same amounts as were provided in the Underwood bill, for six years, and after that time it puts the matter up to Congress, which I think is an absolutely sound proposal.

Mr. SIMMONS. Then, in addition to that, the amendment provides for the completion of Dam No. 3?

Mr. McKELLAR. It does.

Mr. SIMMONS. And it provides also for reservoirs?

Mr. McKELLAR. For reservoirs, in order to increase the primary power from 102,000 horsepower to perhaps a million. The horsepower can not be estimated exactly; it is somewhere between 500,000 and 1,000,000. Am I correct in that, may I ask the Senator from Nebraska? The Senator from Nebraska nods his head; I was quite sure that was true. The reports of the engineers agree that there will be something like a million horsepower produced down there by the completion of Dam No. 3 and the necessary reservoirs.

Mr. SIMMONS. Then I would like to ask the Senator if in his opinion, under those circumstances, this proposition is not just as strong a provision, just as adequate a provision, for the manufacture of nitrates for the purposes of national defense as was the Underwood bill?

Mr. McKELLAR. I think it is infinitely stronger. As I tried to point out on yesterday, sections 3 and 4 of the Underwood bill, which provide for the manufacture of nitrates, are, in my judgment, conflicting. If the lessee under that bill had wanted to get out of manufacturing nitrogen, I believe, under the conflicting provisions of those two sections, it could have done so. But here the Government undertakes to manufacture the nitrogen; we authorize and instruct the Government to do it, and we know the Government is going to do it. It is going to do it in the interest of the farmers, and in the same amounts and in substantially the same way the Underwood bill proposed, except that it provides for an organization of chemists to look into it and seek the best methods. It is infinitely stronger, infinitely better, infinitely more practical, under the Norris bill, with the amendments which have been agreed to, than was the Underwood bill, on the subject of fertilizers.

Mr. SIMMONS. Mr. President, I agree entirely with the Senator from Tennessee with reference to the superior advantages of this bill over the Underwood proposition, both as a proposition of national defense and as a proposition looking to the supply of fertilizer in times of peace.

One of the objections I had to the Underwood proposition was that it provided for the manufacture of only a limited amount of nitrates, either for the purpose of national defense or for the making of fertilizer. Both of those purposes must be met, in my judgment, and I think the Government would make a great mistake if it should dispose of this property without adequately safeguarding those purposes. I never believed, and I doubt if many Senators did believe, that more than 40,000 tons of nitrates would have been produced at any time during the 50 years if this property had been leased under the terms of the Underwood bill, and all seemed to admit that 40,000 tons of nitrogen would be utterly inadequate for the purposes of national defense in case we should unfortunately again become involved in war. In fact, it has been stated that the Underwood amendment would have produced only a fraction of the quantity of this product that would be required in case of war for the purpose of manufacturing powder and explosives, without which we could not successfully carry on war.

I have felt that we ought to have a plant at Muscle Shoals of sufficient capacity to manufacture what would be the reasonable requirements of the Government in time of war, and that that plant ought to be in such condition at all times as would render it available to the Government for its use in national defense in case of war. That consummation could not have been had under the Underwood bill, but under the McKellar amendment retaining the property in the hands of the Government, providing for the manufacture of at least 40,000 tons a year, the Government can, if it sees fit—and I think it ought to see fit in the interest of an ample and sufficient supply at all times—install additional plants, which would always be in stand-by condition, ready immediately to be applied in the manufacture of fixed nitrogen in case of an emergency.

Such can and will be accomplished under the Norris bill, and we will be guaranteed then a plant of adequate capacity which would be perpetually kept in condition and in stand-by order to subserve the purposes of the Government. I therefore think it is a very much better proposition, when we consider the necessities of the Government for purposes of national defense, than is the Underwood proposition.

When we consider the question of the supply of nitrogen for the purpose of making fertilizer to enable the farmer to increase the products of his soil and to keep that soil in a condition of productiveness for all time instead of having it constantly depleted because of a lack of adequate fertilizer materials at reasonable prices, the Norris amendment is incomparably better than the Underwood bill. The Underwood bill offers to the farmers of the country a product which at the present time can not be produced at Muscle Shoals from the air at a cost that would make it a real competitor of Chilean nitrate. It offers to the country the manufacture of a product which under present processes is not a substitute for Chilean nitrate and is not so regarded by the manufacturers and mixers of fertilizer in this country. If it is intended to make this matter of service to the farmer, it is therefore necessary that somebody shall make the most thorough investigation, the most thorough research, and the most exhaustive experimentation with a view to bringing about a different process of manufacturing the product from the air and which will enable us to produce it not only in greater quantities but in a different quality from that which is made under present processes. Under the terms of the Underwood bill there is absolutely no guaranty whatsoever, there is no promise even, that those necessary researches, investigations, and experimentations would ever be made. There was no inducement to the lessee to make them, and I do not think anybody can study that bill and reach the conclusion that there ever would have been any serious effort on the part of the lessee under that bill to improve the process or to improve the quality of the material.

Mr. HEFLIN. Mr. President, we have already been making cyanamide there.

Mr. SIMMONS. I know that we have; and the cyanamide that we make now under the processes we use can not be sold as cheaply as Chilean nitrate, and it is not of the quality that makes it a good substitute as a fertilizer for Chilean nitrates. What I am saying is that the Underwood bill did not provide for the certainty of thorough investigation and experimentation with a view to improving the quality of the product and with a view to reducing the cost so as to make it valuable as a fertilizer.

The Norris substitute does do that very thing. It leaves the matter of investigation in the hands of the Government, and it directs that the Government shall inaugurate and con-

tinue these researches and shall bring to its service all of the expert knowledge of the departments of the Government and all the forces that are employed in the Government in investigating and experimenting with reference to this matter in an effort to develop a method by which this product can be made of a quality and at a price that will enable the farmers of the country to utilize it.

What good does it do the farmer of the country to make a product that can not be sold in the open market for any less than or probably as little as the price at which we can buy the product in a foreign country? What good does it do to make a product that is not a substitute or a competitor for the Chilean nitrate?

What I want more than anything else is to have the investigation. I believe we can discover a method by which the product can be more available to the farmer both as to cost and as to quality. Germany has succeeded in doing that. Unfortunately we are not able to secure the German patent, and we have to work out for ourselves a method by which we can make the cyanamide product, drawn from the air, of value to the country. Under the Underwood bill I saw no hope and no possibility of that ever being accomplished, but under the Norris amendment, with its directions and its requirements, we can put at work all the forces of the Government, with its large body of experts in the Agricultural Department or any other department of the Government, and we will put them at work trying to evolve some plan, some method, some process by which this product can be made what we want it shall become for the benefit of the farmer—a product that will be a substitute for Chilean nitrates, and not a product that will be a mere lagging and ineffective competitor of Chilean nitrates.

Is there anything more to be desired than that at any cost whatsoever, without reference to time, we shall do our utmost to discover some method by which we can relieve ourselves from the burden and slavery of dependence upon a foreign Government for the most essential element in fertilizer for use in this country? We are now paying Chile an export tax of \$12.50 a ton upon every ton of Chilean nitrates that we use in the United States, and we have practically no other source of nitrates for the farmer except Chile. In those conditions does it not behoove us not to leave it to chance, but to make it certain that this Government will become as industrious and as diligent in its efforts to secure a product from the air which will be useful to the American farmer, as Germany has been able by experimentation and development to produce a product that is a real substitute for Chilean nitrates, making ourselves independent of Chile, not only for the purpose of national defense, but independent of Chile for purposes of fertilizer? The Norris amendment provides for that very thing.

Mr. President, it does more than that. It does not stop at providing that a certain amount of nitrates produced from the air shall be converted into fertilizer, but it provides for increasing the horsepower down there. The horsepower that is already developed and that it was proposed to lease in the Underwood bill is limited. It is only a few thousand horsepower that was to be developed in the manufacture of this product both for national defense and for agriculture. The Norris amendment goes further than that. It not only appropriates the same amount for this purpose which the Underwood bill proposed to appropriate, but it provides for the development of Dam No. 3, a dam which I understand has already to some extent been developed. I will ask the Senator from Nebraska if I am mistaken in that statement.

Mr. NORRIS. There has been no work done. Surveys and borings for the foundation have been conducted.

Mr. SIMMONS. The development of that dam will mean in the very initial processes at least 40,000 or 50,000 horsepower, I understand.

Mr. NORRIS. It will mean 40,000 primary horsepower at Dam No. 3. Of course, there is a large amount of secondary power.

Mr. SIMMONS. Forty thousand primary horsepower can be developed there, and with the development of that power we will have an abundance of power to manufacture the fertilizer that is required in the country and all the nitrates that are required for national defense.

Let us see what the provisions of the Norris amendment are in that regard. This is in addition to the provision requiring the annual production by the Government beginning at the end of three years of the same amount of nitrates that the Underwood bill proposed. It provides:

That in case all the power developed at Dams Nos. 2 and 3, or any other dam or dams constructed by the Secretary of War under the

provisions of this act and turned over to said corporation, can not be used to practical advantage and is not necessary for the manufacture of fertilizer or explosives as herein provided—

And so forth. Then the power may be sold.

Under the Norris amendment, before there is any authority to sell that power, it is directed that it shall be ascertained that it is not needed to supply an adequate amount of fertilizer and of explosives. That makes the manufacture of nitrogen for the purpose of national defense and of nitrogen for the purpose of fertilizer the primary object of the bill. While it provides in certain contingencies for the sale of the power developed, it provides specifically that before the power is open to sale the demand of the Government in time of war and the demand of the farmers of the country in time of peace with respect to nitrogen shall be supplied. So I say the charge that this is a power measure is without foundation.

Mr. President, I did not rise for the purpose of making a speech, but I rose for the purpose of stating that the proposal, as now amended on motion of the Senator from Tennessee [Mr. McKellar], is a better proposition, when we consider the needs of the Government for the purposes of national defense, and it is also a better proposition when we consider the needs of the agriculture of this country for cheap fertilizer, which will be a substitute for Chilean nitrates. After those great essential requirements of national defense and of agriculture shall have been answered and not until then—that is the point I wish to stress—after those two great fundamental primary requirements shall have been adequately supplied, and not until then, is there authority, as I construe this amendment, to utilize the power developed at Muscle Shoals for purposes of generating electrical energy for transmission to and use by the industries of the United States.

Of course, I do not mean to say that the amendment comes up to all of my standards of the kind of measure which we ought to pass, but I do think that it is infinitely better than anything that has heretofore been offered to us. I see no danger, Mr. President, of any abuse, and not only is there no danger of any abuse, but no danger of a miscarriage of the purposes that all of us have in view if the Government shall retain this plant and operate it under the provisions which are required in the amendment now pending. Whenever the Government shall have worked out the problem of a suitable process for the manufacture of a nitrate that will be really valuable as a fertilizer, whenever it shall have succeeded in reducing the cost of this product as the result of its experiments and the research work, whenever it shall have accomplished that and developed the power at Muscle Shoals so as to make it marketable, so as to make it attractive to the extent that it is capable of being so made—when we shall have accomplished that, there will be no reason, if the Government shall desire to get out of the business of making nitrates, why we should not turn this plant over to a private corporation, why we should not lease it on proper terms. When, however, we do lease it, it will be after we shall have developed and demonstrated the value of the property, when we can secure bids for the property somewhat commensurate with its value and its potentialities, and not at a time when its value and its potentialities are discounted by the business world and when nobody knows what its possibilities may be.

Mr. President, begging the pardon of the Senate for trespassing upon its attention as long as I have—for I did not intend to occupy the floor more than a minute or two—I desire to say that I very much trust that the amendment offered by the Senator from Nebraska [Mr. Norris] will prevail.

Mr. CURTIS. Mr. President, the amendment proposed by the Senator from Nebraska [Mr. Norris] was presented and printed in December, but it has been perfected to-day by the addition of two or three new provisions which have not been read and generally understood by Senators. I, therefore, ask unanimous consent that the amendment as read from the desk may be printed, that the bill may be temporarily laid aside, and that the Senate may proceed with the consideration of the urgent deficiency appropriation bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. HARRISON. Mr. President, I have no objection to the request, provided there is incorporated in it a limitation to the effect that the pending bill may be disposed of tomorrow. Otherwise, I think it ought to be kept before the Senate in order that we may get it out of the way.

Mr. CURTIS. If it shall be satisfactory to the Senator from Nebraska, I am perfectly willing to enter into an agreement to limit the debate.

Mr. NORRIS. What is the proposition?

Mr. CURTIS. I ask unanimous consent—

Mr. SMITH. Mr. President—

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mr. CURTIS. I ask unanimous consent that the amendment of the Senator from Nebraska may be printed as read from the desk, that the bill may be temporarily laid aside, and that the Senate may proceed to the consideration of the urgent deficiency appropriation bill, but the Senator from Mississippi has objected unless some time can be fixed to dispose of the matter to-morrow.

Mr. NORRIS. Mr. President, I will not enter into such an agreement, for reasons that I have before stated, in reference to a final disposition of the measure. I wish to say, however, that I do not believe, so far as I know, there will be any extended debate, and, perhaps, there will be no debate to-morrow.

Mr. DILL. Why not vote now?

Mr. HARRISON. Let us vote now.

Mr. NORRIS. But there are some Senators who do not want to vote now. Personally I do not care. I shall not object, at least, to going ahead with the appropriation bill this afternoon and taking the pending measure up to-morrow.

Mr. CURTIS. Would the Senator from Nebraska object to limiting the debate to-morrow on his amendment to 10 minutes?

Mr. NORRIS. If all other Senators wish to do that, I shall not object.

Mr. SMITH. Before we enter into this agreement—

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. CURTIS. I yield to the Senator from South Carolina.

Mr. SMITH. Before we enter into this proposed unanimous-

Mr. SMITH. Before we enter into this proposed unanimous-willing to do, to take up the appropriation bill as suggested by the Senator from Kansas and dispose of that? By the time we shall have done so, those Senators who are so deeply interested in the Muscle Shoals measure can have had an opportunity to reach an agreement as to what they wish to do. I think the debate on the bill is about over.

Mr. NORRIS. I also think so, and I will say that I do not desire to debate the matter any further, unless I shall be called on to do it by others who debate it.

Mr. SMITH. For one, I am perfectly willing to enter into an agreement that we take up the deficiency appropriation bill this afternoon, and then to-morrow let us decide what we will do with the Muscle Shoals measure.

Mr. McKELLAR. I think that is a good suggestion.

Mr. HARRISON. I shall object to a unanimous-consent request to have anything else done until the pending matter is disposed of. The Senator's suggestion that it be put over until to-morrow so that Senators will know how to vote and that that will give time to Senators to consider the proposition is preposterous.

Mr. SMITH. I did not say that should be done in order to give Senators an opportunity to decide how to vote but so that they can decide to-morrow on the course to be taken.

Mr. HARRISON. The bill has been before the Senate for a long time, and I think every Senator knows how he is going to vote.

Mr. NORRIS. Mr. President, I withdraw the request.

The PRESIDING OFFICER. The Senator from Nebraska withdraws his request.

Mr. WARREN. Mr. President, before this matter is settled, if it is to be settled, let me say that both the Senate and the other House of Congress will be in a very embarrassing position if we do not act now upon the urgent deficiency appropriation bill for which the Senator from Kansas [Mr. CURTIS] has asked consideration, and provide the sums necessary to pay for certain work that is going on and to meet other payments which under the law are imperatively required to be met.

To-morrow there will be coming from the various States the duly constituted messengers with the electoral vote for President and Vice President, but there is not a dollar appropriated to pay their expenses and there will be no money to pay their expenses until this deficiency bill can be enacted into law. Only in that way will they be enabled to recoup themselves for the expenditures which they will in the meantime have to make, for travel and subsistence in reaching here and returning, and so forth.

Furthermore, the sum of \$3,000,000 is provided in the bill to continue payment of workmen on the Muscle Shoals project, and unless the bill may be passed promptly that work will have to be suspended and the men go out of employment day after to-morrow, the 15th of January.

Mr. NORRIS. Mr. President, I think I will be able to submit a proposition that will be satisfactory to all Senators. I ask unanimous consent that the Muscle Shoals bill be temporarily laid aside for the purpose of considering this afternoon the urgent deficiency appropriation bill; that to-morrow at 12 o'clock the Muscle Shoals bill be taken up, and that a vote on the pending amendment be had not later than 2 o'clock to-morrow afternoon. Will that be agreeable?

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska for unanimous consent?

Mr. DILL. I shall raise the same objection I raised last night, that the proposed unanimous-consent agreement provides for a practical disposition of the bill without a quorum being present.

Mr. NORRIS. Oh, no. I will say to the Senator from Washington we have before us practically the same amendment that has been pending for weeks with which every Senator is familiar.

Mr. DILL. Then, why not vote now?

Mr. McKELLAR. Will not the Senator from Nebraska modify his request for unanimous consent by asking that after 12 o'clock to-morrow no Senator shall speak longer than 10 minutes on the amendment, and then let us vote at the time he has named?

Mr. NORRIS. I will put that in the request.

Mr. McKELLAR. I think also we ought to have as nearly an equal division of time as is possible.

Mr. GERRY. Mr. President—

Mr. DILL. I make the point of no quorum.

Mr. GERRY. One moment; I wish to ask the Senator from Nebraska a question.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

Mr. GERRY. I thought I had the floor.

The PRESIDING OFFICER. The Senator from Washington has suggested the absence of a quorum. The Secretary will call the roll.

The principal legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McCormick	Ralston
Bayard	Fess	McKellar	Ransdell
Bingham	Fletcher	McKinley	Reed, Pa.
Borah	George	McLean	Sheppard
Brookhart	Gerry	McNary	Shields
Bruce	Gooding	Mayfield	Shipstead
Bursum	Hale	Means	Shortridge
Butler	Harrell	Metcalf	Simmons
Cameron	Harris	Moses	Smith
Capper	Harrison	Neely	Stanley
Copeland	Heflin	Norbeck	Swanson
Couzens	Howell	Norris	Trammell
Curtis	Johnson, Calif.	Oddie	Underwood
Dale	Jones, Wash.	Overman	Walsh, Mont.
Dial	Kendrick	Owen	Warren
Dill	Keyes	Pepper	Watson
Edge	King	Phipps	Willis
Ernst	Ladd	Pittman	

Mr. RANSDELL. My colleague [Mr. BROUSSARD] is necessarily absent due to illness.

The PRESIDING OFFICER. Seventy-one Senators having answered to their names, a quorum is present.

Mr. NORRIS. Now, Mr. President, I will restate the request. I ask unanimous consent that the Senate vote on the pending amendment not later than 2 o'clock to-morrow, and that after the convening of the Senate at 12 o'clock to-morrow speeches shall be limited to 10 minutes.

Mr. GERRY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. NORRIS. I yield.

Mr. GERRY. I should like to ask the Senator if he includes in his unanimous-consent proposal the pending amendment and all amendments offered thereto?

Mr. NORRIS. Oh, no. If there should be some other amendments offered, they would be excluded. I do not mean a final vote on the bill; I mean just on the pending amendment.

Mr. GERRY. The Senator proposes to limit debate on that?

Mr. NORRIS. Yes.

Mr. EDGE. On the pending amendment?

Mr. NORRIS. On the pending amendment.

Mr. EDGE. If other amendments should be offered to-morrow after 12 o'clock—

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. The Senator from Nebraska has the floor. To whom does he yield?

Mr. NORRIS. I yield to anybody.

Mr. EDGE. Mr. President, will the Senator yield to me?

Mr. NORRIS. Yes.

Mr. EDGE. To make clear the understanding, following the suggestion of the Senator from Alabama, the unanimous-consent agreement is requested on the pending amendment. If an amendment should be offered to-morrow after 12 o'clock, the unanimous-consent agreement does not include a provision that debate on that amendment shall be concluded by 2 o'clock?

Mr. NORRIS. If it were an amendment to the amendment that is pending, it would include that, I should say, because under the proposed agreement we would have to vote on the pending amendment not later than 2 o'clock. In answering the Senator from Rhode Island [Mr. GERRY], I understood his idea to be that I intended to include a vote on the final disposition of the bill.

Mr. GERRY. I intended to ask whether the Senator meant a final vote on all amendments to the bill and on the bill itself.

Mr. NORRIS. No. If this amendment should be defeated or agreed to, it would still be subject to amendment.

Mr. GERRY. Yes.

Mr. BRUCE and Mr. UNDERWOOD addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. NORRIS. If he wishes to make an inquiry of me, I yield.

Mr. BRUCE. No; I simply want to say that I shall feel bound to object.

Mr. NORRIS. Very well.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Nebraska.

Mr. HARRISON. Mr. President, the Muscle Shoals proposition is still before the Senate, is it not?

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the amendment offered by the Senator from Washington [Mr. JONES].

Mr. HARRISON. Mr. President, I voted against the Jones amendment, and I was very much in favor of the Underwood proposal. I was in favor of it because I thought it was the only practical way to develop—

Mr. BRUCE. Mr. President, will the Senator permit me to interrupt him?

Mr. HARRISON. Just one moment.

Mr. BRUCE. On second thought, I want to withdraw my objection.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. HARRISON. I yield for a unanimous-consent request.

Mr. CURTIS. I renew the request, Mr. President.

Mr. DILL. Mr. President—

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. CURTIS. Will the Senator from Mississippi yield to me?

Mr. HARRISON. I yield.

Mr. CURTIS. I understood the Senator from Maryland to withdraw his objection to the unanimous-consent agreement.

Mr. DILL. Mr. President, does that mean that we are going to continue to discuss Muscle Shoals right along?

Mr. CURTIS. The proposition was to take up the urgent deficiency bill, which we want to pass this afternoon.

Mr. DILL. That was objected to. I do not see why we can not go on and vote on this bill. We have been talking about getting a vote for months.

Mr. MOSES. Will the Senator propose a unanimous-consent agreement for voting on the bill?

Mr. DILL. I should like to have a vote right now.

Mr. HARRISON. I ask unanimous consent that we vote on the Norris amendment now.

The PRESIDING OFFICER. Is there objection?

Mr. KING. I object.

The PRESIDING OFFICER. Objection is made. The Senator from Mississippi is recognized.

Mr. HARRISON. I yield now for the Senator from Kansas to make a unanimous-consent request.

Mr. CURTIS. The Senator from Washington intimated that he would object to the request, so I will not renew it.

Mr. HARRISON. Mr. President, apparently we can not agree on anything. It was because of this unanimous-consent request to limit the speeches to-morrow to 10 minutes by any one Senator that I rose to make an explanation of my vote on the Norris substitute.

I was in favor of the Underwood substitute, because I thought it was the only practical way to dispose of the Muscle Shoals question. If the Norris proposal should be adopted by the Senate and by the House, I believe, although I do not speak advisedly, that it would be vetoed by the

President of the United States. I take his message on that proposition, and I draw from it that conclusion; but I am not in favor of putting off the development of Muscle Shoals for a year or for two years. I have some sympathy with the votes of the Senators on the other side of the aisle who voted to further delay this legislation—Senators who come here from points far distant from the Muscle Shoals development, who naturally are not interested in the proposition as those of us are whose constituents live right at this great natural resource and will obtain greater benefit from it than those who live at distant points. After the discussion on this floor by the Senators who come from the particular locality in which Muscle Shoals is located, and who can not agree among themselves as to some policy, I can understand very readily why Senators from other parts of the country—it matters not what their political faith may be—should say to themselves: "Why should we take up all the time of the Senate of the United States in a useless discussion of this subject matter, and when, apparently, Senators most vitally interested are in such disagreement?"

When the Norris proposal was first reported to this body and the Underwood substitute was offered and the discussion began, I dare say that in the usual course of events action would have been taken within five or six days. The Senator from Nebraska many times said that he was in favor of some disposition by this Congress of this question. It had lingered with the committee for quite too long. All of a sudden the Senators from the South, may I say, right from the immediate section that will receive the benefits of this development, began to look for alleged flaws in the Underwood bill, began to make the welkin ring with every expression that would arouse prejudice against it, and to influence the radical press of the country to have the country believe that we were trying to squander this great natural resource through the provisions of the Underwood bill. Then it was that opposition began to crystallize. It was done through arguments that were misleading in character and made without investigation and study. Thus it was that this legislation has been so long delayed.

I was for the Underwood bill because I believed, first, that the Government would receive greater benefits if this plant could be leased to private interests. I wanted the public welfare taken care of. It was taken care of in the Underwood bill. I care not what Senator may say that it was not; there is not a single right of the American people that was jeopardized or that was not safeguarded and protected in the provisions of the Underwood bill.

I care not how loud Senators may speak or how often it may be asserted in the public press that the Underwood bill would have given to the Alabama Power Co. this great natural resource; it is not true. The Alabama Power Co.'s name was not mentioned in it. They had the same opportunity to lease it as others, but I have not any idea that they would have leased it. If some Senators were more interested in getting reasonable legislation for Muscle Shoals and less interested in the lessee of the shoals it would be better for their constituents and the country. I have not tried to mislead the people of my State touching this legislation. I wanted to see this natural resource developed. I wanted it done along practical lines. That is why I was and am for the Underwood bill.

It is said that under the Underwood proposal the Government of the United States would not have received a fair remuneration. Senators who make that statement are not informed as to the consideration there proposed, and as to other proposals that have been made. I say now, and I await a contradiction of it, that the Underwood proposal would have guaranteed to the Government within 50 years anywhere from thirty to forty million dollars more than would have been obtained if the Government had accepted any other proposal that has been made.

If the Government had accepted the Ford offer, not only would we have given to Mr. Ford in fee simple these lands and these power plants and the holdings of the Government there but we would have received in dollars and cents approximately \$40,000,000 less than the Government would have received under the Underwood bill.

You ask me why that is. Oh, Senators, if you had just looked into it you would know. The Ford proposal did not propose to pay any interest at all on the first \$17,000,000 that we had expended on the dam. Mr. Ford did not propose to pay anything upon Dam No. 2 until six years had elapsed from the making of the contract with him. If you will figure that out on the basis of the interest that Mr. Ford was to pay and compare it with the 4 per cent interest embodied

in the provisions of the Underwood bill—that any lessee must pay 4 per cent interest on the whole \$45,000,000 cost of Dam No. 2—you will see that the Government would derive approximately \$40,000,000 more under that proposal than it would have derived under the Ford proposal; and yet Senators have misled the people—I think they did it innocently; I think they had not looked into it—by saying that we were not receiving a fair consideration.

Why, if the Alabama Power Co.'s proposal had been accepted, if the Union Carbide Co.'s proposal had been accepted, if any other proposal that has been made either in the Congress or to the Secretary of War had been accepted, the Government would not have received within \$30,000,000 of what it will receive under the provisions of the Underwood bill.

It is claimed that under the Underwood bill the interests of the public would not be safeguarded in respect to rates. Why, the Senator from Alabama leaves the regulation of rates with the public-service commissions of the States. If the public-service commissions of the States are corrupt, then it is the people's fault and not our fault. Every right of the people is safeguarded in the lines of that bill, and in the event that the plant should not be leased and could not be leased, then the Government would carry on the operations; and I have no doubt that if the Underwood bill had been passed the President would have signed it.

The only serious objection that was ever raised to the Ford proposal that I ever heard was that it was for 100 years and not for 50 years. The Underwood proposal makes it only 50 years. Another objection was that it did not come under the water power act. So far as rates are concerned, the provisions of the Underwood bill would have it come under the water power act. Every objection that was raised to the Ford proposal was taken care of in the leasing provision of the Underwood bill; but you have killed it, and it has been killed by Senators from the very section that would receive the greatest benefits from it.

These Senators said they would vote, in preference to voting for the Underwood bill, for this Jones proposition, which does what? It gives to the Secretary of War the authority to lease that power after the 1st day of July, without any regulation whatever, without any condition as to the price, without any restrictions whatsoever, to whomsoever he may choose. That is the power which would be conferred upon the Secretary of War by certain Senators who have made war against the provisions of the Underwood bill.

Yes, the development at Muscle Shoals is to be delayed; it is to be delayed at least for a year, and God knows how much longer than that. Talk to me about getting expert advice on this proposition? There is not an expert in engineering and not an expert in chemistry, so far as it is applicable to this development, in the whole United States of any standing who has not been brought before the Committee on Agriculture and Forestry and his testimony taken. We spent four years in getting the expert testimony, and now, when you have an opportunity to develop Muscle Shoals and give the people of Tennessee, Mississippi, Alabama, and Georgia, as well as of the whole country, some benefit, you say, "No; rather than surrender my opinion, I will vote to delay it a year and give to the Secretary of War power to lease the power without regulation or restriction."

I voted against the Jones amendment. I do not want this development put off. I want to see the Congress take action. I am now put up against a proposition to vote either for the Norris bill or for the Jones amendment. Of course, I will vote for the Norris bill. I want to see the property leased to private interests first, and for the Government to carry on if we can not get any private interest to lease it. The Norris bill, in my opinion, does not meet all those requirements. I do not believe it would ever be signed by the President. I think we are just frittering away time here uselessly in the further consideration of this bill, so far as getting real results is concerned. But I would rather have the Government go on and do it than to have it delayed a year or longer, as it would be under the provisions of the Jones amendment. So when the vote comes, I shall vote for the Norris substitute.

Mr. HIEFLIN. Mr. President, I am in hearty sympathy with the Senator from Mississippi [Mr. HARRISON] in the position he has taken. He is absolutely right in saying that the golden opportunity, which we on this side had to compel the making of fertilizer at Muscle Shoals, has been thrown down and trampled upon to-day.

The Ford provision, requiring the making of fertilizer at Muscle Shoals, I repeat, was in the Underwood bill, and as that bill was amended the provision was stronger than it was

in the Ford offer. I can not understand why our Senators over here could not agree. I regret exceedingly that we have not agreed. I can not understand why those who have supported the Ford offer for three years, and have stood here day after day and week after week asking that action be had and that disposition be made of Muscle Shoals, could to-day cast their votes for another year of postponement, as provided for in the bill of the Senator from Washington.

The Committee on Agriculture and Forestry, of which I am a member, went to the Muscle Shoals Dam. We looked the situation over. We investigated it as best we could, and we talked with Army experts. We came back and reported over two years ago, and we commenced to demand from that time on that Muscle Shoals be developed, and that some disposition be provided for so that we might use the water power as soon as it was available. To-day I witnessed the sad spectacle of Senators on this side, and some of them from the South, voting for the measure of the Senator from Washington, which provides that the President shall appoint the Secretary of War, the Secretary of Agriculture, and some other person, to investigate and study the situation. The Senate, elected by the voters of 48 sovereign States to pass upon legislation of this character, has voted a majority of it to appoint a commission to go out and investigate and come back and tell us what we ought to do with Muscle Shoals. I think it is the most ridiculous performance I have witnessed in this Chamber since I have been in it, Senators voting to designate three men to go and study a situation which we have studied for four years. We have not only studied it, we have discussed it, and we have tried to tell others some of the thoughts we had about it, and we reach the conclusion finally that we know nothing about it, that we are incompetent to act upon it, and we want the Senator from Washington, living 3,000 miles away, to come down there and lead us out of the wilderness, and tell us what we want to do with it after we think we know what we want to do with it, and after we have been contending for four years that we would do with it as was provided in the Ford bill. When Ford took his offer out of the Senate we put the fertilizer provision in the Underwood bill which had been in the Ford bill, and I am consistent when I still support that provision. I supported the Ford provision, and I am still supporting the Underwood provision, or was supporting it until you killed it to-day.

What did you kill it with? Did you kill it with a proposition that requires the manufacture of fertilizer at Muscle Shoals? Not at all. You have killed it with a miserable makeshift and subterfuge, providing for the appointment of a commission to tell us some time in the future what we should do with Muscle Shoals.

Let me read you what you voted for. I do not know whether some Senators know exactly what it is. The Jones amendment provides:

That the Secretary of War, the Secretary of Agriculture, and a third person to be appointed by the President of the United States who, if not a public official of the United States, shall be paid out of the appropriation herein authorized such compensation as may be fixed by the President, be, and they are hereby, constituted a commission to investigate and study the proposals and questions involved in the use and disposition of the water-power resources and property of the United States at and connected with Muscle Shoals and to report to Congress on or before the first Monday in December, 1925, its conclusions and recommendations for the use or disposition of the same.

Oh, Mr. President, I know the constituents of some of my friends who voted for that bill will not now undertake to have guardians appointed for them—Senators asking that a commission be appointed to go and investigate this matter and study it when they claim they have been studying it for four years. If a Senator can not understand what he wants to do with Muscle Shoals after he has been studying it and discussing it for four years, how does he expect a commission to find out in one year what ought to be done with it?

I confess again I do not understand it. Talk about a Power Trust! That Power Trust is operating around this Capitol. That Power Trust does not want fertilizer made at Muscle Shoals. That Power Trust fought to the death the Underwood provision, and succeeded in killing it to-day. The Fertilizer Trust of the United States claps its hands with joy as it reads the news this afternoon that the Underwood bill has been murdered in the Senate. That is what has happened to it; it has been attacked, assaulted, and murdered right here. Enough Senators from this side, from the Southern States, this morning voted against the Underwood bill to drive the last dirk into its body and let its last life drop run away. That is what

has happened. Senators can take their responsibility; I will take mine.

I am sincerely in earnest, Mr. President, when I say that I want to see something done to give fertilizer to the farmers; and when I saw this opportunity to give it to them right within our grasp, and then saw us divided on this side, and that opportunity lost, it made me sad. I am sad yet over the fate of this measure, which promised so much to the farmers of the South.

Senators who hail from Dixie's Land, you lost to your constituents to-day an opportunity of saving to the South \$100,000,000 a year on fertilizer. Rather than give that opportunity to them and try this thing out, which was in their favor, you voted for the proposal of the Senator from Washington, which merely suggests that an investigation be made, and that a commission shall report.

What else does it provide? The sale of that property is authorized. I am not in favor of selling it. What else have you done? You authorized the Secretary of War to lease it—yes, to lease it. He can do that temporarily. You say for not over a year. I want to make you this prediction. If the Jones bill stands, the Secretary of War will lease it, and the one to whom he leases it will hold it forever and a day. This Congress will no more take that power out of the hands of the man to whom he leases it, after he takes charge of it and operates it for six months, than you will fly without wings. We may just as well know what we are going into as we proceed with this matter. The Secretary of War will lease it, and when he leases it it will be gone. You will never hear of fertilizer being made there. That will be the last of it, and what will you have done when that day comes? You will have consigned the fertilizer opportunities at Muscle Shoals to their everlasting resting place. That is what you will have done, and you will have done it when all you had to do was to reach out your hand and give support to the provision in the Underwood bill which required the making of fertilizer at Muscle Shoals.

Mr. President, I am astounded—yes, I am shocked and grieved—at the course things have taken in this body. Senators on this side who have urged action, who have said we should not delay the matter any longer, voted to delay for a year, so voting when a bill stood right up looking them in the face which required the making of fertilizer at Muscle Shoals for the benefit of the farmers. Of course, as my friend from Mississippi has said, the southern farmers would be most benefited because they live in that section of the garden spot of the world; of course they would be benefited most.

We need the fertilizer and we need it badly. Our farmers need to buy it, as they could under the terms of the Underwood bill, for half the price they are paying to-day and save that \$100,000,000 which they are now paying over to the Fertilizer Trust. By voting for the Jones substitute Senators have put another year of this \$100,000,000 burden on their backs, a burden of \$100,000,000 that they might have saved in their pockets to use for the comforts and conveniences of their own homes rather than paying it over to the Fertilizer Trust. But that is gone now. That bill has been defeated.

The Senator from Washington [Mr. JONES] made a speech supporting his amendment and said, of course, everybody is interested in Muscle Shoals. That is true in a sense, but, of course, the people in that section where it is located will be most benefited by its operation. That is natural, just as the people of the State of Washington are going to be benefited by the 9,000,000 horsepower when it is developed, which the Senator has in his State—9,000,000 horsepower! Think of it! I have not heard the Senator talking about taking care of that horsepower in the interest of the whole people. That is eight times as much as we can develop on the whole Tennessee River. But the Senator from Washington is to be excused if he wants to regulate everything for everybody. If that gratifies the Senator, let him go ahead on that line. The astounding thing to me was that Senators on this side of the Chamber followed his leadership and threw down a bill which gave the farmers of the South what they wanted and postponed action for a year. That is what I did not like, and that is what I did not and do not understand.

Mr. President, the only measure before me now that has any fertilizer provision in it is the substitute of the Senator from Nebraska. The Underwood bill has been voted down. The Ford provision, which I supported, and which my colleagues around me supported for four years, is dead as a door nail. I can not vote for that now. It is removed from the consideration of Senators. The only things we have before us now are, first, the Jones amendment which postpones action and gives the Secretary of War the right to lease—and I have

no doubt it will be leased—with no provision for fertilizer ever being made under that course, and, on the other hand, the substitute of the Senator from Nebraska containing an amendment which provides for the making of fertilizer as did the Ford proposal. With that contingency confronting me I am compelled to vote for the Norris substitute.

I did not want to put the Government into this business. I did all in my power to prevent that, but I have been defeated in my position and the Senate has voted to the contrary. It has voted that the Government must go into this business, because the only bill pending that requires private enterprise to operate Muscle Shoals was killed by the Senate. The only measure pending was the Norris proposal which required the Government to operate it, as did the Underwood bill, in the event private enterprise would not operate. Now, I have to come to the last proposition in the Underwood bill and must support the Norris substitute. I do not like Government operation. I like to see private enterprise encouraged and supported throughout the country in every way possible, but I have been driven to this situation. There is but one way for me to go, there is but one way I can go and be consistent at all, and that is to support the Norris substitute as against the Jones amendment, which I shall do.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nebraska.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS. Now, in order that every Senator may be present, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Ernst	Ladd	Reed, Pa.
Ball	Fernald	La Follette	Sheppard
Bayard	Ferris	McKellar	Shields
Bingham	Fess	McKinley	Shipstead
Borah	Fletcher	McLean	Shortridge
Brookhart	George	McNary	Simmons
Bruce	Gerry	Mayfield	Smith
Bursum	Gooding	Means	Smoot
Butler	Hale	Metcalf	Spencer
Cameron	Harrell	Moses	Stanley
Capper	Harris	Neely	Sterling
Copeland	Harrison	Norris	Swanson
Couzens	Heflin	Oddie	Trammell
Cummins	Howell	Overman	Underwood
Curtis	Johnson, Calif.	Owen	Wadsworth
Dale	Jones, N. Mex.	Pepper	Walsh, Mass.
Dial	Jones, Wash.	Phipps	Walsh, Mont.
Dill	Kendrick	Pittman	Warren
Edge	Keyes	Ralston	Willis
Elkins	King	Ransdell	

Mr. RANDELL. I wish to announce that my colleague [Mr. BROUSSARD] is necessarily absent on account of illness.

The PRESIDENT pro tempore. Seventy-nine Senators having answered to their names, a quorum is present. The question is upon agreeing to the amendment proposed by the Senator from Nebraska [Mr. NORRIS]. The yeas and nays have been ordered, and the clerk will call the roll.

The reading clerk proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Arkansas [Mr. ROBINSON], but on this vote I am at liberty to vote. I therefore vote. I vote "nay."

Mr. LADD (when Mr. FRAZIER's name was called). I desire to announce that my colleague the junior Senator from North Dakota [Mr. FRAZIER] is absent on account of sickness in his family. If he were present, he would vote "yea."

Mr. MOSES (when his name was called). I have a general pair with the junior Senator from Louisiana [Mr. BROUSSARD]. He is absent, and I transfer the pair to the senior Senator from Maryland [Mr. WELLER] and vote "nay."

Mr. RANDELL. I wish to announce that my colleague [Mr. BROUSSARD] is necessarily absent on account of illness.

The roll call was concluded.

Mr. SWANSON. My colleague [Mr. GLASS] is unavoidably detained from the Senate. If he were present, he would vote "yea." He is paired with the senior Senator from Connecticut [Mr. McLEAN].

Mr. McLEAN. I transfer my pair with the junior Senator from Virginia [Mr. GLASS] to the junior Senator from Oregon [Mr. STANFIELD] and vote "nay."

Mr. SHIPSTEAD. Repeating the same announcement which I previously made, I desire to say that my colleague [Mr. JOHNSON of Minnesota], who is unavoidably absent, is paired with the Senator from Mississippi [Mr. STEPHENS]. If my colleague were present, he would vote "yea"; and if the Senator from Mississippi were here, I understand he would vote "nay."

Mr. HARRISON. I desire to say that my colleague [Mr. STEPHENS] is unavoidably absent. He has a general pair with the junior Senator from Minnesota [Mr. JOHNSON]. I understand the Senator from Minnesota, if he were present, would vote "yea"; and the junior Senator from Mississippi, if he were present, would also vote "yea."

Mr. WALSH of Montana. I announce that my colleague the junior Senator from Montana [Mr. WHEELER] is unavoidably absent. If present, he would vote "yea."

The result was announced—yeas 40, nays 39, as follows:

YEAS—40

Ashurst	George	La Follette	Ransdell
Borah	Gooding	McKellar	Sheppard
Brookhart	Harris	McNary	Shippard
Bruce	Harrison	Mayfield	Simmons
Capper	Heflin	Neely	Smith
Copeland	Howell	Norris	Stanley
Dial	Johnson, Calif.	Overman	Swanson
Dill	Jones, N. Mex.	Owen	Trammell
Ferris	Kendrick	Pittman	Walsh, Mass.
Fletcher	Ladd	Walsh, Mont.	

NAYS—39

Ball	Edge	King	Shields
Bayard	Elkins	McKinley	Shortridge
Bingham	Ernst	McLean	Smoot
Bursum	Fernald	Means	Spencer
Butler	Fess	Metcalf	Sterling
Cameron	Gerry	Moses	Underwood
Couzens	Hale	Oddie	Wadsworth
Cummings	Harrell	Pepper	Warren
Curtis	Jones, Wash.	Philpps	Willis
Dale	Keyes	Reed, Pa.	

NOT VOTING—17

Broussard	Greene	Reed, Mo.	Weller
Caraway	Johnson, Minn.	Robinson	Wheeler
Edwards	Stanfield		
Frazier	McCormick	Stephens	
Glass	Norbeck	Watson	

So the amendment of Mr. NORRIS in the nature of a substitute was agreed to.

Mr. UNDERWOOD. Mr. President, as we voted on this same proposition once or twice before, but as it has always come down to a question of full development of power on one side and experimentations looking to the production of nitroven on the other, and as the amendment which I presented involves the question of utilizing Dam No. 2 and the nitrate plants primarily for the manufacture of fertilizer and for national defense, I desire to offer a substitute for the bill as it now stands.

I will say to Senators that the substitute is practically the amendment which I have heretofore proposed except as to the section which provided for the manufacture of fertilizers as a permanent object. The Senate having apparently preferred to have to provide for experiments along that line, I have stricken out section 4 and incorporated as a part of the amendment the experimental proposition in regard to fertilizer; so that it is a new proposal. Unless the Senate shall desire to have it read, I can say that, aside from section 4, it is the same as the amendment which has heretofore been before the Senate. So I ask unanimous consent that the Secretary may merely read section 4, which is the new part of the amendment. I will say further that the amendment contains the amendments that were adopted by the Senate.

The PRESIDENT pro tempore. Does the Senator offer his amendment to the Norris amendment?

Mr. UNDERWOOD. I move to strike out the Norris amendment and substitute in lieu thereof the amendment which I send to the Secretary's desk.

The PRESIDENT pro tempore. The Secretary will state the amendment proposed by the Senator from Alabama in the nature of a substitute.

Mr. NORRIS. Mr. President, I make the point of order against the amendment. If it were in order at all, the Senator would have been required to offer it before the vote was taken on the substitute that has been inserted. We have just inserted a substitute which the Senator moves to strike out.

Mr. UNDERWOOD. Mr. President, my motion is exactly on the same footing as was the amendment proposed by the Senator from Nebraska. He proposed an amendment identically the same as the one that was voted on as in Committee of the Whole, because although the McKellar amendment was not a part of the Senator's original amendment, when he accepted the McKellar amendment it became a part of the substitute that he offered. The amendment I offered was as in Committee of the Whole substituted in place of it. Now, as I understand, the bill is in the Senate and is still subject to amendment.

I do not offer identically the same amendment as was previously offered. I offer an amendment to the amendment of the Senator from Nebraska that is identical with the provision

which the Senate as in Committee of the Whole adopted, except that one of its vital features—that is, section 4—has been changed. Therefore I think the amendment of the Senator from Nebraska is subject to amendment and the bill has not passed the stage where it is open to amendment.

The PRESIDENT pro tempore. The Chair will restate his view of the parliamentary situation. When the bill passed from the Committee of the Whole to the Senate the question was whether the amendment or amendments agreed to as in Committee of the Whole should be concurred in in the Senate. The last vote as in Committee of the Whole was a vote which substituted what is known as the Underwood amendment for the original text of the House bill, and the Chair held that before the question on the motion to concur was put there was the right of amendment. The Chair is still of that opinion; and, assuming, which the Chair did when he answered the parliamentary inquiry of the Senator from Nebraska, that his amendment was not the same question which had been voted upon as in Committee of the Whole he held the amendment to be in order. Upon the same reasoning the Chair holds the amendment now proposed by the Senator from Alabama to be in order.

Mr. NORRIS. Mr. President, I wanted to be heard before the Chair passed on the question, but I should like now to call the attention of the Chair to the dilemma in which, as I look at it, he puts himself and the Senate. Suppose we vote again on the Underwood amendment on which we once voted and substitute that for the bill that the Senate now has before it. Then suppose the Senator from Washington [Mr. JONES]—and he has it ready I understand—as soon as that shall be agreed to shall reoffer his amendment with a slight modification, in lieu of the amendment of the Senator from Alabama and that should be agreed to, and then I should reoffer my amendment with a little modification. In that way we would be going around in a circle with no stopping place.

Mr. President, I submit that the ruling of the Chair, if the Chair holds that the Senator from Alabama has a right to reoffer the amendment which he has heretofore offered, simply means that we will never come to a conclusion. The Senator from Alabama had a right to offer his amendment at the time my amendment was pending in the Senate. He did not choose to do so. Now, Mr. President, it is too late. I do not believe there can be any well-founded parliamentary contention to the contrary.

I dislike very much to appeal from the decision of the Chair, but it seems to me that ultimately it must come to that; for, otherwise, we will go on forever. Now, with great diffidence, Mr. President—

The PRESIDENT pro tempore. The Chair is endeavoring so to construe the rule as to give the Senate an opportunity to express its judgment upon every proposition that may be suggested.

Mr. NORRIS. That is what the Chair has done up to this time, and the Senate has expressed its judgment, and I think rendered its verdict. We ought not to go over the same procedure again.

Mr. SPENCER. Mr. President, will the Senator from Nebraska yield for a question?

Mr. NORRIS. I yield.

Mr. SPENCER. Does the Senator from Nebraska think the Chair was right in ruling that his amendment was in order?

Mr. NORRIS. I do not think that the conditions are exactly the same; but I call attention to the fact that no Senator made any point of order in regard to it, and so the question was not really raised before the Senate. I had a right to seek information from the Chair and to pursue the course which he mapped out, and I wanted to follow the Chair if I could. I had my course mapped out, however, as to just what I was going to do if the Chair had ruled the other way. If the Chair had said "No; your motion is out of order," I knew just what I was going to do.

Mr. SPENCER. Is it not true that the amendment now proposed by the Senator from Alabama is in precisely the same order as the amendment proposed by the Senator from Nebraska?

Mr. NORRIS. It is one degree further off; that is all.

Mr. FESS. Mr. President, will the Senator yield?

Mr. NORRIS. Yes; I yield.

Mr. FESS. As I understand the parliamentary situation, the vote on the so-called Jones amendment was taken before the proposal of the Senator from Nebraska was made. If the point of order had been against it, undoubtedly the Chair would have sustained the point of order. It appears to me, Mr. President, that in order to make the amendment in order in the Senate it would have to be offered before we vote on the matter to which it is offered as an amendment.

While I am very much against the amendment now proposed by the Senator from Nebraska, if an appeal is taken from the ruling of the Chair I shall be compelled to vote against the decision of the Chair; for I think, to be in order in the Senate, the amendment must be offered before we vote on the matter for which it is a substitute.

The PRESIDENT pro tempore. The Chair did not so hold in response to an inquiry by the Senator from Nebraska at the time his amendment was offered; and, while the Chair recognizes the difficulty of the parliamentary situation, and would be very glad if the Senate would undertake to settle that question of order, he will adhere to the ruling he has already made.

Mr. NORRIS. Then, Mr. President, I respectfully appeal from the decision of the Chair.

Mr. HEFLIN. Mr. President, I voted with the Senator from Nebraska for his bill, but I think the Chair's ruling is right. The amendment of the Senator from Alabama is a changed measure, and he now offers it so that Senators who prefer his measure to that of the Senator from Nebraska shall have the opportunity to choose between them. We have never had that chance. We had it with regard to the Jones amendment, and now we should like to have a chance to choose between the amendment of the Senator from Alabama and the amendment of the Senator from Nebraska.

The PRESIDENT pro tempore. The Senator from Nebraska appeals from the ruling of the Chair. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. McKELLAR. I call for the yeas and nays.

Mr. UNDERWOOD. Mr. President, may I say just one word on the question of the appeal? As I understand, the bill is in the Senate.

Mr. NEELY. Mr. President—

The PRESIDENT pro tempore. The Senator from Alabama has the floor.

Mr. NEELY. I should like to make a point of order.

The PRESIDENT pro tempore. The Senator will state his point of order.

Mr. UNDERWOOD. I yield for that purpose.

Mr. NEELY. I call the attention of the Chair to the fact that a point of order is not debatable. The last sentence of Rule XXII of the Standing Rules of the Senate provides:

Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer shall be decided without debate.

I invoke the enforcement of that rule, Mr. President.

Mr. UNDERWOOD. Mr. President, as I understand the rule, that is in the morning hour.

The PRESIDENT pro tempore. The Chair will state, with reference to that, that the Chair can invite or listen to argument upon a point of order within his discretion. The Chair will arrest the debate whenever he is fully informed upon the subject of the appeal.

Mr. UNDERWOOD. Mr. President, I do not intend to detain the Senate with any extended debate on this question.

The bill is in the Senate and open to amendment. Nobody questions that. If some Senator had moved to strike out all of the pending bill and provide for a sale of this property, there would be no question that that would be in order as a substitute for the proposal of the Senator from Nebraska. What I have done is this: I have offered the original bill, with the amendments incorporated that were agreed to in Committee of the Whole, except that I have stricken out the fertilizer clause in the original bill and substituted the fertilizer clause in the bill of the Senator from Nebraska; and as fertilizer is one of the principal questions involved before the Senate, it is an entire change of the bill. It is a new proposal.

I am free to say that I much preferred the fertilizer proposal that was in the bill I offered; but by putting this in the bill, if it goes to conference, it will give the conferees a chance to work out the fertilizer problem. It leaves it in the experimental stage that the Senator from Nebraska seeks to put it in, and therefore it is an entirely new proposition so far as the bill is concerned; and I would have a right, as any other Senator has, as long as the bill is in the Senate and open to amendment, to suggest amendments. That is usual and customary.

Mr. NORRIS. Mr. President, the Senator had a right to change his original bill as he has now changed it, and to offer it, while this amendment of mine was pending, as a substitute for the proposition of the Senator from Washington. Then it would have been in order. Up to the third degree, an amendment of that kind would be in order. I am not questioning that at all. It is subject to amendment in any way up to the time the vote is taken; but when it is once adopted as a sub-

stitute, then you can not resubstitute. Otherwise, you never will get through.

Just let us look at the matter for a moment. Let us see just where we are coming to.

The Senator from Alabama [Mr. UNDERWOOD] has a bill and the Senator from Washington [Mr. JONES] offers a substitute. That is carried. The bill of the Senator from Alabama is stricken out, and the bill of the Senator from Washington is put in. Then I have a bill, and we replace the bill of the Senator from Washington with mine. Now we are in a circle with three points in it. If the Senator should offer his original bill—and, in effect, that is what he has done—and the vote should be the same as it was once before, it is conceivable that his motion would prevail. Then the Senator from Washington might offer his proposal, and, if the vote should be the same as it was before, it would prevail. If then I should modify mine just a little and offer it again it would prevail, and it would be back once around, and then the Senator from Alabama could change his bill a little and offer it again, and he would go around the circle again, and we would be just where we started.

I do not believe that anyone who is familiar with the parliamentary law governing the subject can contend, regardless of the merits of this question, that that can be done. I hear Senators all around me say, and one of them has said openly in the Senate, that while he is very much opposed to the bill I have offered, yet he has no doubt but that this particular substitute offered by the Senator from Alabama is out of order, and that the Chair ought to be overruled in that respect.

Mr. SPENCER. Mr. President, there is a question of common fairness involved in this parliamentary situation. When the substitute of the Senator from Washington [Mr. JONES] is adopted, after the Senate has acted upon it, the Senator from Nebraska [Mr. NORRIS] proposes a substitute. Preliminarily, he asks the Chair whether or not that substitute is in order. The President of the Senate replies that in his judgment that substitute is in order, and thereupon we vote upon the substitute of the Senator from Nebraska.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. SPENCER. Just a moment. Now, precisely the same situation arises after we have adopted the substitute of the Senator from Nebraska when the Senator from Alabama [Mr. UNDERWOOD] proposes a substitute. He has just as much right to have his substitute voted upon as the Senator from Nebraska had to have his substitute voted upon. The parliamentary situations, except that they are once removed, are identically the same in principle.

Mr. NORRIS. And nobody made the point of order.

Mr. SPENCER. Of course nobody made the point of order, because the Senator—

Mr. NORRIS. And I have a right to acquiesce in the Chair's decision now, but I do not; and any Senator had a right to make that point of order if he wanted to do so.

Let me say to the Senator, if he will be so kind as to permit me, that I would not have found fault with the Chair if he had decided that it was not in order to do it in that way. It did not make any difference to me. I knew just exactly what I would have done in that event; but now the point is raised. It is before the Senate. We do not need to raise an objection unless we want to. For instance, let me recall to your mind the parliamentary situation that existed when this very bill was in Committee of the Whole. First, it was the House bill. Then the committee bill was offered as a substitute. Then the Senator from Alabama [Mr. UNDERWOOD] offered his amendment by way of substitute against the committee substitute, and then various amendments, dozens of them, were offered to the amendment of the Senator from Alabama, every one of them out of order if the point of order had been made against it. They were offered to my bill in the same way, and every one of them was out of order if the point of order had been raised against it, because they were one degree remote.

I only call the Senator's attention to the fact that nobody raised the point. If somebody had raised it, then we would have been faced with a different proposition; and that is what we are faced with here.

Mr. SPENCER. Mr. President, I quite agree with what the Senator from Nebraska has said; but does it not occur to the sensitive conscience of the Senator from Nebraska, which is always so susceptible to fairness, that having himself asked a ruling by the Chair and having secured for his own substitute that ruling from the Chair, it would be better and fairer to allow that same ruling to apply in exactly the same situation when it comes up in regard to the substitute offered by the Senator from Alabama?

of the Senate, the parliamentary situation is such that we will travel in this circle until somewhere, in going around the circle from time to time, some motion to substitute will fail. It is not going to be the Jones substitute, because that has a majority of 12 over the Underwood substitute. It may be my amendment, which has only one majority, and which many of you voted for, and in order to carry it, we had to have the votes of many who were in favor of or preferred the Underwood substitute. But now you are in a position where in reality you are about to vote to put the Jones substitute on the statute books.

Mr. MOSES. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield.

Mr. MOSES. I have been unable to follow the Senator's reasoning and reach the result he has reached, that the Jones amendment or the Norris substitute must be the ultimate result reached. Suppose, for example, there are those of us who voted for the Jones amendment who shall now vote for the Underwood amendment, enough to change the result; would we still, then, travel about in this vicious circle?

Mr. NORRIS. I assume that everybody voted conscientiously, and will vote the same way now. I assume if they do that, if they vote the same way they did in Committee of the Whole, that the Underwood amendment will be agreed to now. Then the Jones amendment will be put in in place of the Underwood amendment, and then if Senators all vote the same, the proposition I have offered will be put in instead of the Jones amendment, and then the Senator from Alabama will start in again and change another word in his amendment, and we will travel the circle at least three times.

Mr. MOSES. I will say to the Senator from Nebraska that I have no intention of spending the balance of this session seeing with two or three amendments like this. My purpose now is to vote for the substitute proposed by the Senator from Alabama, and I intend to have that be my final vote on the question. It is true I have voted for the Jones amendment, but I do not intend to spend futile weeks here in going through the procedure which the Senator from Nebraska has set forth.

Mr. NORRIS. I suppose sooner or later some of the motions to substitute will fail.

Mr. MOSES. I intend to abandon voting for the Jones amendment now.

Mr. NORRIS. The Senator has given notice now to those on the other side of the Chamber who prefer the Underwood bill of what is going to happen, at least to some extent. That would be one vote. I said at the beginning that I assumed that every Senator who voted for the substitute did it in good faith and believed in it. I am still hanging to that assumption. There is another thing that I want to say to those who favor the Underwood bill, and, of course, they were in good faith. I presume 99 per cent of them did it on the ground of the fertilizer question, and now the identical language that was in the so-called Norris substitute has been carried into his amendment by the Senator from Alabama.

Mr. UNDERWOOD. If the Senator will allow me to interrupt him—

Mr. NORRIS. Certainly.

Mr. UNDERWOOD. It is the identical language, so far as the immediate manufacture of fertilizer is concerned, but there is a good deal more in the Underwood bill. The money is provided for in the Underwood bill for the erection of a fertilizer plant, which is not provided in the Norris bill.

Mr. NORRIS. I suppose the Senator would point it out by saying the money was there through the issuance of bonds.

Mr. UNDERWOOD. Yes.

Mr. NORRIS. I understand that.

Mr. UNDERWOOD. But there is no provision in the other bill for the money to build a fertilizer plant.

Mr. NORRIS. No; and there will have to be a fertilizer plant, no matter what bill succeeds, if they are to make fertilizer. There is no question about that. No one is trying to sidestep anything of that kind.

Mr. UNDERWOOD. The distinction I draw is that the Senator assumes there is no distinction between the bills on that point.

Mr. NORRIS. No; I did not say that. I said the Senator has now in his bill the identical language that is in my substitute.

Mr. UNDERWOOD. So far as making fertilizer for six years is concerned that is correct, but in the substitute that I have offered I have provided a fund by the issuing of bonds that may amount to \$50,000,000 to be used for the construction

of a fertilizer plant to be put in operation, which is not provided for in the Senator's bill.

Mr. NORRIS. No. Whoever builds the fertilizer plant must have money for that purpose. If we operate nitrate plant No. 2, the large plant there, for the purpose of fertilizer, there must be a fertilizer plant constructed. It is all complete for its purpose, but there is a point in the manufacture where they change for the making of fertilizer, and there is no fertilizer machine there. That will have to be constructed, and that will have to be done no matter what else is done. The theory of the committee bill was that experimentation would take place in nitrate plant No. 1, which is a small plant, on a very large scale; that perhaps some new method could be invented which would cheapen its manufacture.

I want to say to Senators now that if they would take nitrate plant No. 1 just as it stands and add to it a fertilizer plant it would be just as impossible to make fertilizer cheaper than it is made now as it is for a camel to pass through the eye of a needle. That is not the way any business man would do it. That is not the way any fertilizer man would do it. That is not the way a lessee will do it if he should get this property under the Underwood bill. That is not the way the Government corporation would do it if the Underwood bill is passed. Everybody concedes that, but there is a three-year period within which to improve the methods or develop new methods.

Those Senators who were claiming all the time that they were hanging on to the Underwood proposition because of the fertilizer consideration, which would make it always and continuously, must realize now that they will not make it there under the Underwood bill unless they can make it at a profit. I think that provision improves his bill somewhat. But there were those who were opposed to my substitute on that ground, who fought me bitterly because they said, "We want to compel the manufacture of fertilizer."

The senior Senator from Alabama was one of them. The junior Senator from Alabama [Mr. HEFLIN] was one of them. The Senator from Mississippi [Mr. HARRISON] was one of them. They have backed up that much on it, and I want to say that what will happen unless there is a sub rosa understanding between these two great machines on which I have not gotten information, will be that the Jones amendment will pass the Senate, and in reality those who have been backing the Underwood amendment will be responsible for that condition, if it does happen.

Mr. DILL. Mr. President—

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. DILL. As I understand this amendment it will only bind the lessee to make fertilizer for six years, and he is then free from the requirement to make fertilizer?

Mr. NORRIS. I think that is correct.

Mr. UNDERWOOD. At the end of six years he will report back to Congress and Congress can tell him to go on and make it.

Mr. NORRIS. But the Congress can not increase the rent. Let me talk a moment to the Senators who are in good faith behind the Underwood bill. Suppose the property is leased as the bill now is offered; suppose it is leased to somebody for 50 years and they agree to pay 4 per cent on the cost of the dam. One of the reasons why that rent was put low, one of the reasons why they said "We will give them all of this property for nothing if they will pay a 4 per cent return on the dam," was because of the fertilizer proposition—that they had to make fertilizer for 50 years, and they may lose money on it, so we will let them make it up on water power.

How is it now? The first year no fertilizer, the second year no fertilizer, the third year 10,000 tons of fertilizer, the fourth year 20,000 tons of fertilizer, the fifth year 30,000 tons of fertilizer, and then the sixth year 40,000 tons. Then, if he can not make it at a profit, it is nothing from that time on—no fertilizer after six years unless it is profitable, and all these days and weary hours they have been talking about the farmer getting the benefit of the fertilizer, which has disappeared here all at once. I do not see how anybody can sustain it now.

Mr. GEORGE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Georgia?

Mr. NORRIS. I yield.

Mr. GEORGE. Do I understand that under the substitute now offered by the Senator from Alabama, in the event a lessee is released from making fertilizer at the end of the six years the lease would nevertheless go on for the period of time?

Mr. NORRIS. Yes; that is my understanding of it.

Mr. GEORGE. I want to get that straight, because it is a very vital point to my mind.

Mr. UNDERWOOD. The amendment in section 4 which I have put in the bill provides that the lessee shall make fertilizer in experimentation instead of making it as an actual fact. The terms of the lease would be the same except this. I have not interfered with section 3. Section 3 requires the making of 40,000 tons of fixed nitrogen, and there is no other place for any lessee to sell that 40,000 tons of fixed nitrogen except for fertilizer, so that no matter what the term of the lease is made the lessee will have to convert 40,000 tons of nitrogen into fertilizer through the term of the lease.

Section 4 was the one that was in the bill of the Senator from Nebraska, which was satisfactory to him in his own bill but not in somebody else's bill. Section 4 allows the President to make fertilizer up to the sixth year as a matter of experimentation. Of course, I assume that that would be adjusted in the lease which the President makes, but that we are assured of 40,000 tons of fixed nitrogen, that there is no other market to consume than this market, is apparent in the bill.

More than that, I think if the bill I have offered goes to conference this matter will be adjusted in conference. I did not offer a change in section 4, because I think it is better than the language I originally offered. I do not think it is better, but it still forces the manufacture of 40,000 tons of fixed nitrogen. The Norris bill does not force the manufacture of anything. It is all experimentation. It is entirely experimentation.

Mr. GEORGE. I think I understood the provisions of the bill of the Senator from Nebraska, but what I wanted to get clear in my mind now was, in the event the present substitute of the Senator from Alabama is adopted and passed and there should be found a private lessee, whether he will be obligated under the lease to manufacture at all events 40,000 tons of fixed nitrogen.

Mr. UNDERWOOD. He will be obligated to manufacture the 40,000 tons in the progression named in the bill up to the sixth year, and then he will have to abide by the decision of the Congress after the end of the six years.

Mr. GEORGE. That is to say, the lessee?

Mr. UNDERWOOD. Yes.

Mr. GEORGE. And that provision then is applicable not alone to the Government corporation, but to the lessee?

Mr. UNDERWOOD. Yes; primarily to the lessee.

Mr. GEORGE. I do not want to interrupt the Senator from Nebraska unduly, but does not that make quite a difference in the Senator's mind as to the terms on which the property should be leased?

Mr. UNDERWOOD. I do not think it could be leased as well on those terms as on the terms contained in the original bill, but it would be entirely in the hands of the President to limit the leasing power to six years. At any rate under this provision at the end of six years the lessee has to come back to Congress and Congress can tell him to go on and make the fertilizer. We do not waive that or I would not have offered it. I say candidly that I do not think it as good a provision as was in the original bill and I hope when it goes to conference it may be adjusted, but I changed it because the opposition seemed to be to our making the fertilizer for 50 years. The Senator from Nebraska has objected to it now, but I took the language of his bill. The difference between the Senator's bill and the amendment I am proposing in the matter of making fertilizer, as I said a moment ago, is that the bill I propose has the money and the organization provided for to make fertilizer.

Mr. GEORGE. I quite understand that.

Mr. UNDERWOOD. Under the bill that he proposes we may get the money if at some time in the future Congress gives it, but it is telling an organization to make fertilizer and providing it with no means by which it can do so.

Mr. GEORGE. I understand that feature of the bill, but the feature I want to get clear in my mind is this: In the event the substitute passes, and in the event a private lessee can be found who will take over and undertake the operation of the plant under the terms of the bill, he will be permitted to make a lease at the minimum price of 4 per cent on the cost of Dam No. 2.

Mr. UNDERWOOD. Not necessarily; no. That is in the hands of the President.

Mr. GEORGE. I understand that is but a minimum price, but that provision still remains in the bill.

Mr. UNDERWOOD. Yes. The minimum price is still in the bill, but the minimum price is far above what we proposed to sell it to Mr. Ford for.

Mr. GEORGE. I understand that.

Mr. UNDERWOOD. The lessee is compelled, under any circumstances, as long as he holds the lease, even if it is made for 50 years, to make 40,000 tons of pure nitrogen a year, and there is no place on earth where he can sell it except for fertilizer.

Mr. GEORGE. That is what I have difficulty in understanding. I do not understand that the lessee is compelled throughout the lease to continue to make 40,000 tons of fixed nitrogen.

Mr. UNDERWOOD. Oh, yes; it is provided in section 3 of my amendment that the lessee must make 40,000 tons of fixed nitrogen. I have not changed section 3 one particle, but it stand there as it was when the Senator voted for it.

Mr. McKELLAR. But, Mr. President, there is a contradiction with section 4 of the amendment as now proposed by the Senator from Alabama.

Mr. UNDERWOOD. No; there is no contradiction; it is not a contradiction.

The PRESIDING OFFICER. Nominally, the Senator from Nebraska [Mr. Norris] has the floor.

Mr. UNDERWOOD. I thank the Senator from Nebraska for his courtesy and beg his pardon for occupying his time.

Mr. NORRIS. Mr. President, I have listened with a great deal of interest to the colloquy between the Senator from Alabama [Mr. Underwood] and the Senator from Georgia [Mr. George]. The Senator from Alabama has stated that my amendment as it is now proposed compels the manufacture of 40,000 tons of fixed nitrogen, although he admits that it does not compel the manufacture of any fertilizer. How foolish it would be, as it seems to me, to require a lessee, even if that would naturally follow, as the Senator has stated, to make every year 40,000 tons of nitrogen when it could not be used for fertilizer. In the Senator's original amendment the lessee was required to make the nitrogen into fertilizer. As the Senator's amendment now stands the lessee is not required to make it into fertilizer, but the amendment provides that after six years, when he just gets started, unless he can make it at a profit or if he does not make it at a profit he may cease to make fertilizer. What good is it going to do the farmer if the lessee is compelled to make 40,000 tons of nitrogen every year and pile it up somewhere?

Mr. UNDERWOOD. Mr. President, will the Senator from Nebraska allow me to interrupt him?

Mr. NORRIS. Yes.

Mr. UNDERWOOD. The provision is in the Senator's amendment which he is urging the Senate to adopt.

Mr. NORRIS. But section 3 is not in my amendment.

Mr. UNDERWOOD. No; but the Senator's amendment only proposes to allow the lessee to experiment for six years.

Mr. NORRIS. But that is all that the amendment of the Senator from Alabama does.

Mr. UNDERWOOD. No; my amendment proposes to require the lessee to make 40,000 tons of nitrogen, which he can dispose of.

Mr. NORRIS. What good would that do? The farmer can not use nitrogen; he must have fertilizer. The Senator's amendment only requires the lessee to make fertilizer for six years, for only three years, as a matter of fact, because he does not commence to make fertilizer until the third year.

Mr. UNDERWOOD. Then my friend from Nebraska can not criticize that provision in my amendment without criticizing it in his own amendment.

Mr. NORRIS. I am trying to have the Senate understand the real facts. The Senator from Alabama is claiming that notwithstanding that we are going to have 40,000 tons of fertilizer manufactured every year, but I say that section 3 in the Senator's bill is absolutely of no value, that if it should ever be effective it would be a detriment not only to the lessee but through the lessee to the Government, which is going to lease this plant, because the Government will not be able to lease it on such good terms.

Mr. UNDERWOOD. Mr. President, will the Senator allow me to suggest in reference to section 3 that section 3 is primarily the national defense provision of the measure, and there is good reason for it on that ground, even though the nitrogen did not go into fertilizer.

Mr. NORRIS. Oh, yes; but there is another place in the Senator's amendment where he provides that the President may take over the plant in case of war. I think his provision in that respect is not nearly so good as that which is contained in my amendment, because in his amendment the Government would have to pay for it and in mine it would not have to do so.

Mr. UNDERWOOD. If the Senator will allow me, he might not have to take it over. He might merely require the production of the nitrogen which was needed.

Mr. NORRIS. As the Senator from Tennessee stated the other day, the President might buy it of the lessee and let the lessee have the profit out of it.

Mr. McKELLAR. At war prices.

Mr. NORRIS. Certainly, at war prices.

Mr. UNDERWOOD. Mr. President, if the Senator will allow me further, I assume that when the President makes his contract with the lessee he will arrange that in advance, as any reasonable man would. I suppose he would be reasonable about it.

Mr. NORRIS. I take the amendment to state the terms, so that when the bidders come they know what the minimum is going to be. It is true they might bid against each other, though I think they will not do so. They would assume—and they would have a right to assume—that it would be the duty of the President to lease this plant if he could get what the law fixed as the minimum. I would regard it in that way if I were acting for the Government, even if I tried to get more. So whoever may lease the plant will have notice in advance just how far the President can go.

Mr. McKELLAR. Mr. President—

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator from Alabama says that the provision of the amendment which he now offers and to which reference is made is already in the amendment of the Senator from Nebraska, and therefore the Senator should not complain of it. It is a very different proposition in its relation to the two amendments. In the Underwood amendment section 3 is contradictory. In the Norris amendment it refers to the Government only, and the Government can do as it will as to the manufacture of nitrogen.

Mr. NORRIS. Mr. President, there can not be any doubt that the amendment now offered by the Senator from Alabama provides for the manufacture of fertilizer for six years, and if it can not be made at a profit then its manufacture may cease. I am not complaining of that. The Senator calls my attention to the fact that that provision is also in my amendment. I admit that; I am not complaining of that, but I am calling the attention of the Senate to the fact that that is all it does mean, and the Senator can not get around it by saying that in section 3 the lessee is required to produce 40,000 tons of nitrogen every year. I make no complaint. I stated to him frankly that I thought that provision improves his amendment as originally offered, but there were many Senators over here who would not support the committee bill for that reason alone.

They said, "Senator UNDERWOOD's bill provides that there shall be 40,000 tons of nitrogen put into the shape of fertilizer every year; that is what we want; your bill does not do that; we do not care whether it is done at a profit or a loss; the bill of Senator UNDERWOOD requires that to be done"—that is what the Senator from Alabama boasted about then and that has been boasted about throughout this debate—"here is a proposition under which we are going to have the fertilizer anyway, and we do not care what it costs." As I said once before, that is the handle on which it was proposed to sell this proposition to the farmers.

Now, the Senator from Alabama has offered an amendment which comes down to the McKellar amendment—I do not say it is mine, but the amendment agreed on by some of the Senators and acceded to by me—and he is now boasting of his bill because it is similar to the so-called Norris bill in that respect. It seems to me it is perfectly useless to argue that under section 3 of the Underwood measure 40,000 tons of nitrates are going to be made every year, while under section 4 the manufacture of fertilizer may be stopped at any time after six years if such manufacture does not pay. I wonder if that kind of a doctrine is going to be accepted by Members of the United States Senate. Either Senators were not sincere before when they were supporting the Underwood amendment for that reason and were opposing the other measure for that reason, or they must now admit that they were wrong then if the pending amendment is right.

One of the objections to the original Underwood proposal was that it would give the lessee an advantage; that it would give him a great natural resource of the country for practically nothing. Since then much has been added to that, for now, if we shall adopt the pending amendment, the lessee will not need to make fertilizer; that great expense will be obliterated, and so the value of the lease will have been increased many hundred fold.

There were some who believe—and I have heard some experts make the same contention, and I think they were perfectly conscientious—that if the Underwood bill should be passed nobody would lease the property, because so much would be lost in making fertilizer that no bidder could make

up his losses by the profit on the power. I have never believed that to be true. I have always thought the property would be leased if the great Electric Trust wanted it leased; but when I looked over the bill and found out how quickly the project was to be put into politics if the governmental corporation were started, I wondered then whether the Power Trust would not be willing to forego all the profits that might come to them or to any of their subsidiaries by leasing the plant in order to see established a governmental corporation which they knew would be a failure, which had failure stamped on its face, for it would be in politics clear up to its neck at the first jump and undoubtedly would become one of the places where politicians faithful in campaigns would be taken care of after the campaigns were over.

Outside of what I have heretofore said, Senators, it seems to me that, however anxious any Senator might have been to secure the adoption of the original Underwood proposal, he can not afford to vote for the pending amendment of the Senator from Alabama. If all those Senators shall vote for it who voted for it in its original form and it goes into the bill, as I said before, it will mean that the Jones substitute will be put in its place by a vote of the Senate unless those behind the Jones substitute are called off and lined up. In any case, it does not seem to me possible that the Senate can afford to put into this bill now this modified form of the original Underwood proposal. It does not fit in with the measure at all; it is a misfit all the way through, although I think section 4 standing alone, as the Senator from Alabama has now written it, is an improvement over section 4 as it was in the bill originally, for I have always said I did not want to compel either a governmental corporation or a lessee to make fertilizer unless it could be made at a profit. That did not seem to me to be fundamentally right; but, on the contrary, I thought it was fundamentally wrong. A majority of the Senate, however, said otherwise in the original vote, and they put such a provision in the bill. Many of them in the best of faith then believed in it, but that has been eliminated in the pending amendment.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield first to the Senator from South Carolina [Mr. DIAL], who rose a while ago.

Mr. DIAL. I thank the Senator. I thought the Senator from Nebraska had concluded, and I wanted to get the floor in my own right.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. I merely wish to call attention to the fact that, as I argued, I believe on yesterday, sections 3 and 4 of the original Underwood proposition were clearly contradictory, and I did not believe that the Alabama Power Co., which company under that bill I believe would have obtained this property, would ever make any fertilizer. Now, if the amendment which I have proposed shall be substituted for section 4 it will make those two sections more contradictory.

Mr. NORRIS. I think so.

Mr. McKELLAR. The result will be that that corporation will not manufacture any fertilizers for the farmers. I want to call the attention of those who are interested, as I am interested, in the production of fertilizers for the farming interests of the country, that what they are going to do if they vote for the pending amendment is to prevent any fertilizer at all being manufactured for the farmers of the country.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Alabama in the nature of a substitute.

Mr. DILL. Mr. President, I have often been impressed with the remarkable results of the application of the rules of the Senate to questions that arise here; but to-day I have been somewhat amused at what has happened. Earlier in the day we heard the two best orators on this side of the Chamber pronounce eulogies on what they thought was a dead bill, the Underwood bill.

The Senator from Mississippi [Mr. HARRISON], in loud and eloquent voice, told of the greatness of the Underwood bill; he explained how he had tried to save its life, but all in vain. Then he buried it. He tenderly laid it in the sepulcher, he closed the door, he rolled the stone against the door, and pronounced its epitaph. Then the junior Senator from Alabama [Mr. HEFLIN] rose in his place and in stirring tones described the murder of that bill, as he termed it. He denounced the Senators who had stabbed it to death. We saw it fall, mutilated and helpless. He pictured terrible scenes as having occurred in this Chamber, and it seemed to me as he did so that that bill might possibly come back to life under

his eloquence; but he, too, told us it was dead, never to rise again.

Then, after the Senate had voted for the Norris proposal, we saw the original father of the bill breathe the breath of life into it. He rolled away the stone, opened the sepulcher door, bringing it forth resurrected, arrayed in a new robe in the form of an amendment prepared by the Senator from Tennessee [Mr. McKellar], who had fought and helped to kill the Underwood bill. Now he marches it forth in all its glory as though it had never known that land "from whose bourne no traveler e'er returns."

So I say it is an amusing and an amazing situation that we find here; and if we adopt this amendment its life may be as short as that of its predecessor, and some other supposedly dead bill may come before us, and new eulogies may prove to have been listened to in vain. It seems to me that the time has come to let these bills remain dead when once they have been killed by this body.

Mr. COPELAND. Mr. President, from the first the Senator from Nebraska [Mr. Norris] has insisted that in the last analysis the property at Muscle Shoals is a power property and not a fertilizer property. I think every Senator who has a real interest in this project ought to hear this editorial from Industrial and Engineering Chemistry, the official journal of the American Chemical Society.

This is an editorial prepared by chemical experts, by experts in the study of the fixation of nitrogen, and the Senate should know how these technicians feel regarding this project. It is my purpose to read this editorial in the January number, the current number, of this journal; and I am sure that the Senator now in the chair will have a very comfortable time during the next 20 or 30 minutes.

MUSCLE SHOALS

From the time of the earliest logicians, one of the basic principles of reasoning has been that the major premise of any proposition must be correct or no conclusion can be drawn. The major premise upon which Muscle Shoals was developed, viz, that extensive and cheap power are necessary to the economic fixation of nitrogen, is false.

This is the statement of these great chemists.

Mr. HEFLIN. Mr. President—

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. COPELAND. I yield.

Mr. HEFLIN. I take it from that statement that the author of that editorial is opposed to using Muscle Shoals for the manufacture of fertilizer.

Mr. COPELAND. He is.

Mr. HEFLIN. That editorial ought to be comforting to those on this side who voted against it and thought they were trying to get fertilizer at Muscle Shoals.

Mr. COPELAND. I would not be too reassured by the Senator from Alabama, because this may not be so comforting to him when the reading is complete.

The author of the editorial says:

Accordingly, it is not strange that economic chaos resulted. From the inception of the project Congress has declined to heed the advice given by competent technical men. A condition almost unparalleled in the province of government management has resulted. "Cheap power" and "cheap fertilizer" have little relation to each other.

Although every duly appointed board of technical men advised against Muscle Shoals as a "nitrate" proposition, although the interdepartmental board, consisting of the Secretaries of Agriculture, of the Interior, and of War, realized its futility and voted against Muscle Shoals, Muscle Shoals was selected by Executive order. On this shibboleth funds were appropriated by Congress for the construction of a great and important power development. The project having been developed, the problem becomes a choice between the distribution of this power for the benefit of the whole South, urban and rural alike, or its diversion through subsidized plants to the interest of land values within a limited area.

There might have been some excuse for the error had Congress been ill-advised, but even in 1917 it was foreseen that the old arc and cyanamide processes had no place in America and were becoming obsolete in Europe. This is now universally admitted. Modern plants and modern processes, with much cheaper fixed nitrogen in sight, are independent of power considerations. The technique of these new processes is clearly understood. Three plants already have been built and are in successful operation in America. The danger of our country ever being short of nitrogen for explosives is passing, if not already over. Three other American plants are being planned, none of them near to or dependent upon cheap power. The same principle is true in Europe. The largest plants in the world—at Oppau and at Merseburg—are located without reference to cheap power. The large

plant at Billingham, England, which is the second largest synthetic ammonia plant in the world, gave little consideration to power availability or cost. Cheap power is, of course, desirable in any manufacturing operation but has little more relation to modern processes of nitrogen fixation than to the weaving of cotton or the making of shoes.

All of the many new plants for nitrogen fixation throughout the world are being constructed to produce nitrates by the direct combination of nitrogen and hydrogen. The basic factor of cost is the hydrogen, since this constituent involves some 50 per cent of the total cost of the finished product. This hydrogen may be produced through the action of steam on coal, as is done at Oppau and at Merseburg, Germany, at Billingham, England, and at Syracuse, N. Y. It may be produced by directly purifying the hydrogen of illuminating gas, as is done in France and in Belgium. It may be produced by the electrolytic decomposition of water, giving hydrogen and oxygen, or of a solution of brine yielding hydrogen and chlorine. If this procedure is to be used for the production of hydrogen, power must be paid for through the sale of chlorine, the hydrogen being essentially a by-product, or through the use of power which is essentially surplus power. Power costing more than \$15 per horsepower year can not in large plants produce hydrogen in competition with either of the other processes, nor would \$15 power used for the production of hydrogen produce "cheap fertilizer" in competition with the other procedures. To use power on the basis of \$15 a horsepower year anywhere in America for any considerable period is an economic waste. It is much more valuable for other purposes.

As we go to press Congress appears to believe that the power at Muscle Shoals should be utilized through private enterprise. The Underwood bill, however, which is before the Senate, requires that the Secretary of War shall lease prior to September, 1925, the power under guaranty to fix 40,000 tons minimum of nitrogen a year within six years; otherwise a Government corporation shall be formed to take over the plants and go into the fertilizer business. Although it is true that for a number of years the secondary power, or the "off-peak" power, at Muscle Shoals may be utilized economically for the electrolytic production of hydrogen, it seems certain that no corporation can be found that will agree to utilize the primary power for this purpose unless it is allowed to sell the balance of the power at a price to pay a subsidy on the economic crime to both. Accordingly, the danger of the continuation of Government control of Muscle Shoals still faces us.

When the General Chemical Co., the Mathieson Alkali Works (Inc.), the Niagara Ammonia Co. (Inc.), and the Du Pont Co. decided to establish their nitrogen fixation plants, their directors sought and followed the advice of competent technical men. The directors of these companies were business men unaffected by political considerations. Congress might well take a lesson from their example.

Now, Senators, I think we ought to face the situation and be perfectly frank with the farmers of this country. It seems to me that the evidence accumulates that this power at Muscle Shoals never will be used extensively in the manufacture of fertilizer. The thing I have liked about the bill of the Senator from Nebraska has been the fact that it proposed to leave the property in the hands of the Government, so that it could be disposed of at any time after we had determined what should be the ultimate use of this power, and at the same time the experimentation on the part of the Department of Agriculture would go forward. There is not any question that the Government chemists have done more to advance knowledge of the development of methods of making cheap fertilizer than any other chemists in the world, and that work should be encouraged; but if we are going before the country and giving the impression to the farmers of the country that out of Muscle Shoals will come the development of a process of making fertilizer which will cut the price in two, or materially cheapen it, we are selling the farmer a gold brick.

For my part, I want to see this work go forward at Muscle Shoals. I want to see the chemical development proceed; but I think the country should be frankly told the facts, and that we should not in any way mislead the agricultural group of our country with the thought that out of Muscle Shoals will come immediately a very material cheapening of the price of fertilizer, because certainly, as I see it, no such cheapening will come out of Muscle Shoals.

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of the urgent deficiency bill.

The PRESIDING OFFICER. Is there objection?

Mr. HARRISON obtained the floor.

Mr. HOWELL. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nebraska?

Mr. HARRISON. I do.

Mr. HOWELL. I should like to ask if it is the intention to resume the consideration of the Muscle Shoals measure to-day?

Mr. CURTIS. It is the intention, after the deficiency appropriation bill is disposed of, to have a short executive session, and then take a recess until to-morrow.

Mr. HARRISON. Mr. President, I have no objection to considering the deficiency appropriation bill at this time, but I had hoped that we would get an understanding about voting on this proposition at some time to-morrow.

Mr. CURTIS. I have talked with one or two Senators about trying to reach a vote to-morrow, but I do not think we can get any agreement on the question to-night, and I hope the Senator will not object to this request.

The PRESIDING OFFICER. Is there objection to the unanimous-consent agreement proposed by the Senator from Kansas?

Mr. HARRISON. Mr. President, reserving further the right to object, I ask unanimous consent that we vote on the proposition now pending and all amendments thereto not later than 2 o'clock to-morrow.

Mr. NORRIS. I should have to object to that at the present time. I may not do so to-morrow.

The PRESIDING OFFICER. In any event, the Chair will state to the Senator from Mississippi that there is before the Senate a unanimous-consent request proposed by the Senator from Kansas, and until that is acted upon the Senate can not act upon any other unanimous-consent agreement.

Is there objection to the unanimous-consent agreement proposed by the Senator from Kansas to the effect that the unfinished business shall be temporarily laid aside and that the Senate shall now proceed to the consideration of the urgent deficiency bill, House bill 11308, Order of Business 911? Is there objection? The Chair hears none, and it is so ordered.

URGENT DEFICIENCY APPROPRIATIONS

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11308) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1925, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. WARREN. Mr. President, on a former occasion when the bill was before the Senate the title was read and consent was given that the formal reading of the bill be dispensed with and that the bill should be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. Under that agreement the Secretary will read the bill.

The reading clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Legislative, Senate," on page 2, after line 2, to insert:

To pay John E. Lodge, son; Constance Williams, daughter; Henry Cabot Lodge and John D. Lodge, grandsons, and Helena Lodge, granddaughter, of the Hon. Henry Cabot Lodge, late a Senator from the State of Massachusetts, \$7,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to insert:

To pay Theodora L. Colt Barrows, Mary Louise Colt Gross, and Elizabeth L. Colt Anthony, daughters; LeBaron Carlton Colt, jr., and George Converse Colt, grandsons, and J. Edith Converse Colt, jr., granddaughter, of the Hon. LeBaron Bradford Colt, late a Senator from the State of Rhode Island, \$7,500.

The amendment was agreed to.

The next amendment was, on page 2, after line 13, to insert:

The unexpended balance of the appropriation for expenses of inquiries and investigations for the fiscal year 1924 is hereby made available for the fiscal year 1925.

The amendment was agreed to.

The next amendment was, on page 2, after line 16, to insert:

The unexpended balance of the appropriation for the legislative drafting service, Senate, for the fiscal year 1924, amounting to \$1,587.78, is hereby made available for use during the fiscal year 1925 in the appropriation for the legislative counsel, Senate.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

EXECUTIVE

AGRICULTURAL CONFERENCE

For expenses of the agricultural conference assembled by the President in November, 1924, and for each purpose connected therewith, to be expended at the discretion of the President, including such travel

expenses as may already have been incurred by the members of the conference, \$50,000, to remain available until June 30, 1926.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

FEDERAL OIL CONSERVATION BOARD

For the expenses of the Federal Oil Conservation Board, convened by the President on December 18, 1924, and for each purpose connected therewith, to be expended at the discretion of the chairman of the board, and to remain available until June 30, 1926, \$50,000.

Mr. KING. Mr. President, I should like to have some explanation of the item just read. What character of work is this board doing?

Mr. WARREN. The work of the board arises as the result of action taken heretofore by Congress. The Budget has estimated for it, and this appropriation is required.

Mr. KING. I was asking the Senator a question, which he may have answered, but perhaps in the confusion I did not catch his answer. My inquiry was in regard to the item of \$50,000 for the Federal Oil Conservation Board. I was inquiring as to the functions of that board, the length of its service, and whether it is a continuing organization or a temporary one.

Mr. WARREN. It is temporary, of course, and is made up of members of the Cabinet and perhaps other officers in Government employment. I do not believe the Senator can get much more information until there is a meeting of the board. The Budget itself, in its statement, simply urges the necessity of the board in order to carry out the requirements of legislation heretofore passed, stating that there should be a board for this purpose, and that they should proceed to the consideration of the oil situation—that is, the gasoline situation, if we want to put it that way. We spent a great deal of money under a resolution agreed to in the Senate authorizing the Committee on Manufactures to summon witnesses and proceed to an investigation. They expended quite liberally; they had meetings and summoned and examined a large number of witnesses; they employed eminent counsel, at \$1,000 a month, and all that sort of thing, and made their report. I will send to the desk the only information we have as to this amendment, which comes from the Budget, and ask that it be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The reading clerk read as follows:

THE WHITE HOUSE,
Washington, January 5, 1925.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress a supplemental estimate of appropriation for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, for the expenses of the Federal Oil Conservation Board convened by me on December 18, 1924, with a view to determining what action should be taken by the Government for the conservation of the oil supply, \$50,000.

The purpose of this estimate, the necessity therefor, and the reason for its submission at this time are set forth in the letter of the Director of the Bureau of the Budget transmitted herewith, with some comments and observations thereon I concur.

Respectfully,

CALVIN COOLIDGE.

BUREAU OF THE BUDGET,
Washington, January 5, 1925.

SIR: I have the honor to submit herewith for your consideration, and upon your approval for transmission to Congress, a supplemental estimate of appropriation for the fiscal year ending June 30, 1925, to remain available until June 30, 1926, for the expenses of the Federal Oil Conservation Board, convened by you on December 18, 1924, \$50,000.

Expenses Federal Oil Conservation Board: For the expenses of the Federal Oil Conservation Board convened by the President on December 18, 1924, and for each purpose connected therewith, to be expended at the discretion of the chairman of the board, and to remain available until June 30, 1926—\$50,000

Further details concerning this estimate are set forth in a memorandum from the Secretary of War, who is chairman of the Federal Oil Conservation Board, transmitted herewith.

The necessity for this estimate has arisen since the transmission of the Budget for the fiscal year 1925, and its approval is recommended.

Very respectfully,

H. M. LORD,
Director of the Bureau of the Budget.

The PRESIDENT.

Mr. KING. Mr. President, I was not aware of the existence of this board. So far as I know, no such board was authorized by Congress. I was wondering whether the purpose of this organization was to inquire into the delinquencies of the In-

terior Department, as a result of which the Teapot Dome and other oil reserves of the Government were lost to the Government. As I understand the letter which has just been read, it does not afford any satisfactory information as to the scope of this organization, its duration, its functions. Is it to inquire into the oil reserve of the United States? Is its activity to be limited to an inquiry into the needs of the Navy, or what? It may be all right.

The able Senator from Wyoming, chairman of the Committee on Appropriations, seems satisfied with it, and yet I venture that he can give no satisfactory explanation or reason for this appropriation, or the creation of this board, or the authority for the creation of the board. But as we are in the habit of passing appropriation bills providing for the expenditure of hundreds of millions of dollars without an explanation, of course a mere item of \$50,000 will excite no interest whatever.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. KING. I yield.

Mr. McKELLAR. As a matter of law, if the Congress has not passed a bill authorizing the creation of this board, would the Executive have the right to organize such a board or commission as he saw fit, without regard to the action of Congress? So far as I know, this is the first occasion of the organization of a board I have noted where the law did not authorize its creation—that is, where the matter was established by executive authority without the President being authorized by law. I do not think it is legal myself, and I think a point of order would lie against it.

Mr. KING. Mr. President, I dislike to raise a point of order if I can be advised as to the necessity and propriety of this appropriation, but with all of the organizations which we have, the executive departments and their multitudinous bureaus, I can not conceive the necessity for creating a new board. Whenever any supposed evil exists we create a new board. When some worthy politician has not a job we create a new board and give him a job. I am not sure of the scope of the amendment, or the purpose of it, and I confess that the information given by the Director of the Budget does not satisfy me as to the wisdom of the appropriation.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to his colleague?

Mr. KING. I yield.

Mr. SMOOT. I will say to the Senator that there is a memorandum from the Director of the Bureau of the Budget explaining the object of this board, and this is what the Secretary of War says the purpose of the organization of the board is:

1. Under date of December 18, 1924, the President appointed a commission to investigate the oil supply of the United States with a view of determining what action should be taken by the Government for the conservation of this supply.

2. This commission has been designated the Federal Oil Conservation Board, the membership of which is the Secretary of War, Secretary of the Navy, Secretary of the Interior, and Secretary of Commerce.

3. In carrying out the instructions of the President in this matter it will be necessary to obtain expert advice and to do other things that will require an expenditure of funds.

For that reason the estimate has been made of \$50,000 to bring that about.

Mr. KING. Mr. President, it seems to me that in the first place the authority to create the board, as suggested by the Senator from Tennessee, may be questioned; but I do not propose to raise any constitutional question as to the power of the Executive to create this instrumentality. But we have had investigations repeatedly as to the oil resources of the Government. Those investigations were made during the time of President Roosevelt, the time of President Taft, and the time of President Wilson.

Under the régime of Mr. Daniels vigorous investigations were made, very comprehensive reports were submitted, and, as Senators know, oil reserves were created based on information which had come to the Executive department. I can conceive of no information which is lacking. If it is determined what policy should be pursued for the purpose of getting oil for the Navy, I can see that is a matter that might be the subject of inquiry, and the Navy Department ought to make diligent investigation, and Congress should also, as to what policy should be pursued in obtaining the necessary oil supplies for the Navy, as well as for other governmental agencies. I shall not, however, ask that the Senate disagree to this amendment, although I think it is a waste of money, and there is no apparent necessity for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the heading "District of Columbia," on page 4, after line 15, to insert:

SURVEYOR'S OFFICE

For services of temporary draftsmen, computers, laborers, additional field party when required, purchase of supplies, care or hire of teams, \$8,200, no part of which sum shall be expended without the written authority of the commissioners, \$8,200.

Mr. WARREN. Mr. President, I send to the desk an amendment to that amendment and ask for its adoption.

The PRESIDING OFFICER. The Secretary will state the amendment to the amendment.

The READING CLERK. On page 4, line 21, strike out "\$8,200," and insert "payable in the manner prescribed for defraying the expenses of the District of Columbia by the District of Columbia appropriation act, approved June 7, 1924."

Mr. KING. There has been some criticism in the press, as I have noticed, with respect to the amendments which have been offered to a number of these bills, the contention being that an improper standard of payment is being applied, a standard which gives these employees an advantage over other employees of the Government. I was wondering if that matter had been drawn to the attention of the committee?

Mr. WARREN. This language which is inserted is the same as that in other paragraphs, but this particular provision applies to the surveyor's office only.

Mr. KING. Is that the surveyor's office in the Interior Department?

Mr. WARREN. It is all a matter of work which has to be done, for which the Government is reimbursed.

Mr. KING. It is in the Interior Department?

Mr. WARREN. I believe it is in a certain sense.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 5, after line 7, to insert:

INTERSTATE COMMERCE COMMISSION

To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads; the act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test block-signal and train-control systems and appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906, and the provision of the sundry civil act approved May 27, 1908, including the employment of inspectors and per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, including the same objects and under the same limitations as are prescribed under this head in the act making appropriations for the Interstate Commerce Commission for the fiscal year ending June 30, 1925, \$27,275.

For all authorized expenditures under the provisions of the act of February 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," as amended by the act of March 4, 1915, extending the "same powers and duties with respect to all parts and appurtenances of the locomotive and tender," and amendment of June 7, 1924, providing for the appointment from time to time by the Interstate Commerce Commission of not more than 15 inspectors in addition to the number authorized in the first paragraph of section 4 of the act of 1911, including such legal, technical, stenographic, and clerical help as the business of the offices of the chief inspector and his two assistants may require, and for per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, \$54,145. For printing and binding, \$20,000.

Mr. WARREN. Mr. President, I ask that the last sentence in line 18 be acted upon as a separate amendment, so as to have that an item by itself.

Mr. COPELAND. Mr. President, I want to inquire if this amendment has been approved by the Budget.

Mr. WARREN. It has.

Mr. COPELAND. And also the following one, on page 6?

Mr. WARREN. That has been approved by the Budget.

Mr. COPELAND. I am in favor of both.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee excepting the last clause.

The amendment was agreed to.

The next amendment was, on page 6, line 18, to insert:

For printing and binding, \$20,000.

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior," on page 6, after line 19, to insert:

BUREAU OF RECLAMATION

Reclamation fund, special fund: The following sum is appropriated out of the special fund in the Treasury of the United States, created by the act of June 17, 1902, and therein designated "the reclamation fund":

For carrying into effect the provisions of subsection K of section 4 of the second deficiency act, fiscal year 1924, approved December 5, 1924, to remain available until June 30, 1926, \$150,000: *Provided*, That the expenditures from this appropriation for each reclamation project shall be considered as supplemental to the appropriation for that project and shall be accounted for accordingly, \$150,000.

Mr. WARREN. I wish to make a correction at that point by striking out "\$150,000" in line 5, page 7.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The READING CLERK. On page 7, line 5, amend the committee amendment by striking out the numerals "\$150,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the heading "Department of State," on page 8, after line 16, to insert:

INTERNATIONAL FISHERIES COMMISSION

For the share of the United States of the expenses of the International Fisheries Commission, established under the treaty concluded March 2, 1923, for the period from November 1, 1924, to June 30, 1925, including salaries of two members and other employees of the commission, travelling and subsistence expenses (notwithstanding the provisions of existing law), purchasing of books, periodicals, furniture, and scientific instruments, contingent expenses, printing and binding, rent in the District of Columbia, and such other expenses as the President may deem proper, to be disbursed under the direction of the Secretary of State, \$11,250.

The amendment was agreed to.

The next amendment was, on page 11, after line 19, to insert:

JUDGMENTS, UNITED STATES COURTS

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," as amended by the Judicial Code, approved March 3, 1911, certified to the Sixty-eighth Congress by the Attorney General in House Document No. 532, and which have not been appealed, namely:

Under the Navy Department, \$69.57;

Under the War Department, \$20,627.45; in all, \$20,697.02, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent from the date thereof until the time this appropriation is made.

For payment of judgments, including costs of suits, rendered against the Government of the United States, by United States district courts under the provisions of certain private acts, certified to the Sixty-eighth Congress in House Document No. 534, as follows:

Under United States Shipping Board, \$6,063.08;

Under the Navy Department, \$149,819.51; in all, \$155,882.59.

For payment of judgment rendered against the Government of the United States by the United States District Court for the District of Indiana, under the provisions of the act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, certified to the Sixty-eighth Congress in House Document No. 531, as follows:

Under the War Department, \$12,107.79. None of the judgments contained herein shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, on page 13, after line 5, to insert:

JUDGMENTS, COURT OF CLAIMS

For payment of the judgments rendered by the Court of Claims and reported to the Sixty-eighth Congress in House Document No. 533, namely:

Under the Navy Department, \$119,487.69;

Under the Treasury Department, \$19,754.82;

Under the War Department, \$161,814.48; in all, \$301,056.99, together with such additional sum as may be necessary to pay interest on certain of the judgments at the legal rate per annum as and where

specified in said judgments. None of the judgments contained herein shall be paid until the right of appeal shall have expired.

The amendment was agreed to.

The next amendment was, on page 13, after line 17, to insert:

AUDITED CLAIMS

Sec. 2. That for the payment of the following claims, certified to be due by the General Accounting Office under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1922 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Document No. 535, Sixty-eighth Congress, there is appropriated as follows:

LEGISLATIVE

For Capitol power plant, \$10,778.86.

For furniture, Library of Congress, \$99.38.

For public printing and binding, \$131.40.

INDEPENDENT OFFICES

For Interstate Commerce Commission, \$46.11.

For international exchanges, Smithsonian Institution, \$1.56.

For preservation of collections, National Museum, \$61.77.

For fuel, lights, and so forth, State, War, and Navy Department Buildings, \$408.03.

For Council of National Defense, \$84.13.

For Board of Mediation and Conciliation, \$5.42.

For increase of compensation, Veterans' Bureau, \$444.67.

For medical and hospital services, Veterans' Bureau, \$93,839.46.

For salaries and expenses, Veterans' Bureau, \$95.61.

For vocational rehabilitation, Veterans' Bureau, \$79,828.43.

DISTRICT OF COLUMBIA

For improvement and care of public grounds, District of Columbia, \$7.56.

DEPARTMENT OF AGRICULTURE

For increase of compensation, Department of Agriculture, \$7.

For stimulating agriculture and facilitating distribution of products, \$100.33.

For general expenses, Weather Bureau, \$61.52.

For general expenses, Bureau of Animal Industry, \$826.14.

For general expenses, Bureau of Plant Industry, \$156.40.

For general expenses, Bureau of Biological Survey, \$9.50.

For general expenses, Forest Service, \$115.84.

For general expenses, Bureau of Chemistry, \$360.71.

For general expenses, office of farm management, \$1.60.

For general expenses, Bureau of Markets, \$1.20.

DEPARTMENT OF COMMERCE

For expenses of the fourteenth census, \$30.25.

For commercial attachés, Department of Commerce, \$220.

For promoting commerce, Department of Commerce, \$19.84.

For promoting commerce in the Far East, \$107.10.

For enforcement of navigation laws, \$2.55.

For preventing overcrowding of passenger vessels, \$1.39.

For industrial research, Bureau of Standards, \$468.

For standardizing mechanical appliances, Bureau of Standards, \$263.

For general expenses, Lighthouse Service, \$74.54.

For party expenses, Coast and Geodetic Survey, \$379.01.

For miscellaneous expenses, Bureau of Fisheries, \$54.63.

DEPARTMENT OF THE INTERIOR

For increase of compensation, Indian Service, \$42.33.

For purchase and transportation of Indian supplies, \$125.89.

For telegraphing and telephoning, Indian Service, \$1.91.

For determining heirs of deceased Indian allottees, \$9.

For industrial work and care of timber, \$15.30.

For Indian schools, support, \$1,106.06.

For relieving distress and prevention, etc., of diseases among Indians, \$71.

For support of Chippewas of Lake Superior, Wis., 47 cents.

For support of Indians in Arizona, \$1.02.

For support of Sioux of different tribes, employees, etc., South Dakota, \$56.33.

For education of Choctaws in Mississippi, \$45.64.

For administration of affairs of Five Civilized Tribes, Oklahoma, \$2.52.

DEPARTMENT OF JUSTICE

For increase of compensation, Department of Justice, \$7.33.

For books for judicial officers, \$20.60.

For defending suits in claims against the United States, \$150.

For detection and prosecution of crimes, \$31.38.

For salaries, fees, and expenses of marshals, United States courts, \$59.90.

For salaries and expenses of district attorneys, United States courts, \$8.80.

For salaries and expenses of clerks, United States district courts, \$3.20.

For fees of commissioners, United States courts, \$1,997.85.

For fees of jurors, United States courts, \$31.20.

For fees of witnesses, United States courts, \$57.98.

For pay of bailiffs, etc., United States courts, \$5.

For miscellaneous expenses, United States courts, \$678.90.

For support of prisoners, United States courts, \$40.50.

DEPARTMENT OF LABOR

For increase of compensation, Department of Labor, \$187.67.

For immigrant station, Ellis Island, N. Y., 48 cents.

For expenses of regulating immigration, \$265.20.

NAVY DEPARTMENT

For pay of the Navy, \$2,152.51.

For transportation, Bureau of Navigation, \$125.35.

For pay, miscellaneous, \$26.11.

For freight, Bureau of Supplies and Accounts, \$2,699.58.

For investigation of fuel oil, etc., Navy, \$1,730.35.

For instruments and supplies, Bureau of Navigation, \$35.84.

For maintenance, Quartermaster's Department, Marine Corps, \$1,007.89.

For aviation, Navy, \$92,994.39.

For pay, Marine Corps, \$460.14.

For organizing the Naval Reserve Force, \$5,067.29.

DEPARTMENT OF STATE

For salaries of secretaries, Diplomatic Service, \$6.09.

For contingent expenses, foreign missions, \$18.59.

For allowance for clerks at consulates, \$381.08.

For contingent expenses, United States consulates, \$127.93.

For relief and protection of American seamen, \$1,207.03.

For transportation of diplomatic and consular officers, \$473.80.

For emergencies arising in the Diplomatic and Consular Service, \$16.80.

For post allowances to diplomatic and consular officers, \$107.16.

For International Prison Commission, \$2,700.

For International Institute of Agriculture at Rome, Italy, \$416.67.

For salaries and expenses, United States Court for China, \$22.22.

For national security and defense, State Department, \$257.60.

For waterways treaty, United States and Great Britain, \$2.40.

TREASURY DEPARTMENT

For increase of compensation, Treasury Department, \$80.67.

For expenses of loans, act of September 24, 1917, as amended, \$10,409.43.

For collecting the revenue from customs, \$1,855.52.

For salaries and expenses of collectors, etc., of internal revenue, \$612.65.

For collecting the war revenue, \$198.84.

For enforcement of national prohibition act, internal revenue, \$53.50.

For enforcement of narcotic and national prohibition act, internal revenue, \$7,141.40.

For miscellaneous expenses, Internal Revenue Service, \$674.30.

For refunding internal-revenue collections, \$2,253.65.

For allowance or drawback, internal revenue, \$94.69.

For Coast Guard, \$12,379.49.

For Life Saving Service, \$4.

For pay of crews, miscellaneous expenses, etc., Life Saving Service, \$6.

For materials and miscellaneous expenses, Bureau of Engraving and Printing, \$101.31.

For pay of other employees, Public Health Service, 35 cents.

For freight, transportation, etc., Public Health Service, \$1.28.

For maintenance of marine hospitals, Public Health Service, \$9.

For care of seamen, etc., Public Health Service, \$2.

For pay of personnel and maintenance of hospitals, Public Health Service, \$2,236.40.

For medical and hospital service, Public Health Service, \$11,496.13.

For quarantine service, \$7.32.

For preventing the spread of epidemic diseases, \$2,825.94.

For studies of rural sanitation, Public Health Service, \$5.98.

For expenses, division of venereal diseases, Public Health Service, \$73.

For repairs and preservation of public buildings, \$95.53.

For mechanical equipment for public buildings, \$308.22.

For general expenses of public buildings, \$4.55.

For pay of assistant custodians and janitors, \$14.25.

For operating force for public buildings, \$662.65.

For furniture and repairs of same for public buildings, \$5.15.

For furniture, post office, courthouse, and customhouse, Honolulu, Hawaii, \$26.89.

For operating supplies for public buildings, \$189.71.

WAR DEPARTMENT

For contingencies, military intelligence division, General Staff Corps, \$27.10.

For salaries, Adjutant General's Office, \$14.67.

For temporary employees, Office of the Chief of Finance, \$36.65.

For registration and selection for military service, \$412.60.

For increase of compensation, War Department, \$1,185.55.

For pay, etc., of the Army, \$672,375.63.

For arrears of pay, bounty, etc., \$621.19.

For pay, etc., of the Army, war with Spain, \$182.15.

For extra-duty pay to enlisted men as clerks, etc., at Army division and department headquarters, \$14.91.

For increase of compensation, Military Establishment, \$22,248.72.

For mileage, officers and contract surgeons, \$1,087.85.

For subsistence of the Army, \$1,074.25.

For regular supplies of the Army, \$343.92.

For clothing and camp and garrison equipage, \$33.87.

For clothing and equipage, \$101.14.

For incidental expenses, Quartermaster Corps, \$17.85.

For transportation of the Army and its supplies, \$8,367.51.

For Army transportation, \$8,894.96.

For inland and port storage and shipping facilities, \$66.98.

For military post near northern boundary of Montana, \$16.35.

For barracks and quarters, \$184.84.

For general appropriations, Quartermaster Corps, \$61,732.

For supplies, services, and transportation, Quartermaster Corps, \$53,916.28.

For roads, walks, wharves, and drainage, \$1,974.11.

For shooting galleries and ranges, \$43.50.

For construction and repair of hospitals, \$239.59.

For signal service of the Army, \$2,559.01.

For increase for aviation, Signal Corps, \$4,553.35.

For Air Service, Army, \$1,063.58.

For Medical and Hospital Department, \$1,494.74.

For engineer equipment of troops, \$805.

For engineer operations in the field, \$4.14.

For gun and mortar batteries, \$3.70.

For fortifications in insular possessions, \$185.84.

For proving grounds, Army, \$217.59.

For Ordnance Service, \$1,604.28.

For ordnance stores, ammunition, \$522.

For manufacture of arms, \$4.16.

For ordnance stores and supplies, \$2,404.05.

For small-arms target practice, \$10,752.50.

For armament of fortifications, \$45,117.02.

For armament of fortifications, Panama Canal, \$3,516.39.

For replacing ordnance and ordnance stores, \$131.70.

For repairs of arsenals, \$604.84.

For repair and restoration of defenses of Galveston, Texas, \$300.

For Chemical Warfare Service, Army, \$8.62.

For fire control at fortifications, \$4.70.

For arming, equipping, and training the National Guard, \$4,298.69.

For ammunition for field artillery, Organized Militia, \$815.87.

For civilian military training camps, \$49.04.

For quartermaster supplies, equipment, and so forth, Reserve Officers' Training Corps, \$77.14.

For headstones for graves of soldiers, \$9.44.

For disposition of remains of officers, soldiers, and civil employees, \$348.78.

For Guilford Courthouse National Military Park, \$10.

For survey of northern and northwestern lakes, \$4.20.

For increase of compensation, rivers and harbors, \$500.38.

For National Home for Disabled Volunteer Soldiers, Marion Branch, \$30.30.

For National Home for Disabled Volunteer Soldiers, Mountain Branch, \$20.30.

For National Home for Disabled Volunteer Soldiers, clothing, \$26.29.

Medical and hospital services, National Home for Disabled Volunteer Soldiers, \$563.38.

For payment of claims for loss of firearms, and so forth, taken by the United States during labor strikes in 1914 in Colorado, \$23.50.

POST OFFICE DEPARTMENT

For salaries, Post Office Department, \$24.18.

For balance due foreign countries, \$126,264.25.

For city delivery carriers, \$1,325.63.

For clerks, first and second class post offices, \$2,365.15.

For compensation of postmasters, \$1,307.24.

For electric and cable car service, \$2,306.57.

For indemnities, domestic mail, \$634.05.

For indemnities, international mail, \$1,795.15.

For mail messenger service, \$88.

For miscellaneous items, first and second class post offices, \$123.

For person and property damage claims, \$500.

For pneumatic tube service, \$1,865.83.
 For post-office equipment and supplies, \$2,757.
 For railroad transportation, \$34,239.66.
 For Railway Mail Service salaries, \$12.34.
 For rent, light, and fuel, \$2,234.03.
 For Rural Delivery Service, \$594.18.
 For separating mails, \$1,147.23.
 For shipment of supplies, \$120.37.
 For special-delivery fees, \$5.44.
 For temporary city delivery carriers, \$145.07.
 For temporary clerk hire, \$1,019.05.
 For vehicle service, \$1,172.55.
 For village delivery service, \$34.94.
 For watchmen, messengers, and laborers, \$11.20.

Total, audited claims, section 2, \$1,460,523.80, together with such additional sum, due to increases in rates of exchange, as may be necessary to pay claims in the foreign currency as specified in certain of the certificates of settlement of the General Accounting Office.

The amendment was agreed to.

The next amendment was, on page 27, line 3, to change the section number from 2 to 3.

The amendment was agreed to.

The reading of the bill having been concluded,

Mr. WARREN. I send to the desk a committee amendment which I offer.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 3, after line 5, insert:

JOINT COMMITTEE ON INAUGURAL CEREMONIES OF 1925

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay the necessary expenses of the inaugural ceremonies of the President of the United States, March 4, 1925, in accordance with such program as may be adopted by the joint committee of the Senate and House of Representatives, appointed under a concurrent resolution of the two Houses, including pay for extra police, \$40,000.

The amendment was agreed to.

Mr. WARREN. I send to the desk another amendment which carries out the law.

The PRESIDING OFFICER. The Secretary will report the amendment.

The READING CLERK. On page 4, after line 14, insert the following:

UNITED STATES LEXINGTON-CONCORD SESQUICENTENNIAL COMMISSION

For actual and necessary traveling subsistence expenses of members of the United States Lexington-Concord Sesquicentennial Commission in the discharge of their duties outside of the District of Columbia, \$5,000, and for expenses incident to the appropriate celebration and observation of the one hundred and fiftieth anniversary of the Battle of Lexington and Concord, \$10,000; in all \$15,000; said sum to be expended in the discretion of the commission named herein.

The amendment was agreed to.

Mr. WARREN. That completes the committee amendments.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment.

Mr. McKELLAR. Mr. President, I ask the Senator from Wyoming to explain the provision on page 9 of the bill appropriating \$150,000,000 for the return of taxes. The main thing I want to know is how much money the Government will have returned in taxes for the present fiscal year when this \$150,000,000 shall have been used. How much did we appropriate in the last appropriation bill?

Mr. WARREN. We will have expended \$137,000,000, plus some \$16,000,000 or \$17,000,000 returned on the 25 per cent 1923 proposition. The total amount that has been refunded in all the year is a little over \$404,000,000, and the amount collected in that time in addition to the nearly \$27,000,000,000 is over \$2,568,000,000.

Mr. McKELLAR. In other words, the Government has collected in this fiscal year \$2,000,000,000 and paid back one-fifth of it to the taxpayers who have asked for refunds.

Mr. WARREN. No; my statement covered all the years since the collection and repayment commenced. It is simply paying out, as the Senator has stated, \$404,000,000 while we have collected a total of \$2,565,000,000 over and above the regular collections, which in the meantime have amounted to \$27,000,000,000.

Mr. McKELLAR. Will the Senator give us the various increases in the last four years? As I recall, in 1921 we returned some \$2,000,000 of taxes. The next year it was some \$24,000,000 and the next year \$48,000,000 and now this year

\$400,000,000. Is not that a very remarkable return of taxes to taxpayers?

I do not know whether the Senator noticed it or not, but on last Saturday I had the record examined to see something about the return of this money and I found that certain taxpayers were returned more than a million dollars each. It is almost inconceivable how the tax-collecting authorities could make a mistake of more than a million dollars in one taxpayer's taxes. My recollection is that one of the packing companies in Illinois had a return of over a million dollars. I recall that the Aluminum Co. of America, so intimately associated with the Secretary of the Treasury, was returned over \$555,000. Those are enormous mistakes, it seems to me, to be made in the collection of our taxes and something ought to be done. We ought to get officials who properly tax our people and properly collect the taxes.

I want to call the Senator's attention to another matter.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Washington?

Mr. McKELLAR. I will yield in just a moment. The Senator will recall the fact that we are paying 6 per cent interest on these returned taxes from the time they were collected. If we keep on increasing in the payment of returned taxes during the next four years as we have in the last four years we will return more taxes than we collect, as will be shown by a simple mathematical calculation.

Mr. JONES of Washington. I think probably the chairman of the Appropriations Committee is going to answer the Senator. I just wanted, in connection with the remarks the Senator has just made, to call his attention to the fact that we have collected over \$26,000,000,000.

Mr. WARREN. It is over \$27,000,000,000, and the amount of interest paid has been, so far, nearly negligible, and the total refunds amount to over four hundred billions.

Mr. JONES of Washington. During that time we have refunded a little over \$300,000,000.

Mr. McKELLAR. But we collected these enormous sums during and just after the war, and it will be recalled that it was not until 1921 that we began to make returns upon these enormous sums. When they ran as high as \$24,000,000 we thought that amount was very large, and it was complained of in the newspapers as being an unusual thing. When it doubled to \$48,000,000 it again became the subject of comment. Now it runs up to \$400,000,000 and we are paying 6 per cent interest on the amount returned. It amounts to one-fifth of what we are actually collecting. My point is that it is a very remarkable situation that Government officials in charge of the collection of taxes should make these enormous mistakes in the collection of the taxes.

It is almost inconceivable how a taxpayer would pay more than a million dollars too much taxes, and yet that has been done. Such payments have been made. Whether they have been properly made I do not know, but certainly there is something wrong in a system or in the administration of a system where they collect a million dollars too much taxes and refund it and pay 6 per cent interest on it when it is refunded.

Mr. WARREN. Mr. President, I have only a few words to say in reply to the Senator. The total amount of money collected has been nearly \$30,000,000,000—over \$27,000,000,000. There have been a great many refunds made because of legislation and the changes of jurisdiction granted under legislation. For instance, there was collection under the order of the Secretary of the Treasury on all stock dividends. On some of these cases an appeal was taken, and when a case reached the Supreme Court of the United States that court decided against the ruling of the Secretary, and those large amounts thus collected have had to be repaid. When we are collecting many millions of dollars in taxes from any one of the large packing concerns or large iron or steel or aluminum concerns and over-collected only \$1,000,000, the figures, comparatively viewed, are no more and no less than the refund of a \$5 bill to a man who paid \$5 too much in a \$25 tax payment. It is a mere matter of comparison, a mere matter of figures.

I presume the Senator does not assume that the money that has been given back was divided between the Secretary of the Treasury and the party receiving it. The Secretary and the employees under him are to some extent under bond and all upon honor, so that it is monstrous to consider that the refunds are not as a whole correct. That there will be some mistakes made both ways is undoubtedly true.

Mr. McKELLAR. I am making no charges whatsoever. I am asking for information. It does seem to me that with these enormous sums being paid back in taxes we should have in-

formation. One of the packing companies has been refunded over \$1,000,000. We are called upon to make that amount good. The Senate and the body at the other end of the Capitol ought to have information about how much taxes that concern paid and how much was returned and all the facts and circumstances about it. We ought not to be called upon to appropriate the enormous sum of \$400,000,000 to be paid back in taxes without a scintilla of reason given for it.

There may be good reasons in every case. I am not making any charges about it. I only know that during the last four years it has become exceedingly popular to return taxes. They were not returned before that time. Of course, a few hundred thousand dollars were returned before that time, it is true, where mistakes had been made, but during the last four years the amount has steadily crept up.

At first I think it was \$8,000,000, the next year \$24,000,000, the following year \$48,000,000, and now it is \$400,000,000. One dollar in every five collected is returned. It seems to me that before we should be called upon to restore the money Congress should have the facts. I am making no charges. It may be possible that it is as straight as a string all along.

Mr. FESS. Mr. President, will the Senator yield?

Mr. McKELLAR. We ought to have the facts. It ought not simply to be stated here that the Treasury Department has ordered them repaid. I yield to the Senator from Ohio.

Mr. FESS. I have the same feeling that the Senator is expressing—

Mr. McKELLAR. I am glad to hear that. It is a feeling that ought to be uppermost in every Senator's mind. If we are looking after the interests of the Government we ought to know the facts.

Mr. FESS. But, Mr. President—

Mr. McKELLAR. Four hundred million dollars is an enormous sum to be paid back to the taxpayers during any one year.

Mr. WARREN. Mr. President, I wish to correct just one point. The Senator has two or three times misquoted what I said about the \$404,000,000 refund. That sum is the total that has been paid back in all the years in which refunds have been made.

Mr. McKELLAR. How much has been paid back this year?

Mr. WARREN. We appropriated \$137,000,000.

Mr. McKELLAR. And now there is \$150,000,000 to be appropriated, and that makes \$287,000,000.

Mr. WARREN. No; that is not correct, either. The \$150,000,000 to be appropriated is for 1925, while the other sum was for 1924. This is a deficiency bill and carries this \$150,000,000 to cover the present fiscal year.

Mr. McKELLAR. Why is it in the deficiency bill? Why put it in a deficiency bill if it is for 1926? Whether \$287,000,000 or \$400,000,000 the principle is exactly the same.

I notice in this list the payment of enormous sums probably amounting to as much as the taxpayer paid. We ought to know about it; we ought to have the facts; they ought to be made as clear as the noon-day sun when we appropriate this money.

Mr. FESS. Mr. President, if the Senator please, will he yield to an interruption?

Mr. McKELLAR. I yield to the Senator from Ohio.

Mr. FESS. Mr. President, with sympathy for what the Senator from Tennessee is saying, let me observe that I have been making some inquiry why the audits, that run away back to 1917, were not cleared up and made current. There has been great pressure on the part of Members of the other House and Members of the Senate that that be done, and there has been an effort to make the work current. It is because of that effort that appropriations to cover these numerous accumulations of overpayments which were illegally collected are now brought in here. They are not for one year or two years, but are to provide for the accumulation of several years, and it merely happens that they come in at this time.

Mr. McKELLAR. Mr. President, for instance, I believe it was Swift & Co. to which a very large refund was made. I do not want to call any names and make any mistake about it, but anyhow it was to one of the great packing houses of Chicago. When a bill comes in here to restore to a taxpayer over a million dollars, surely the Senate and House of Representatives ought to have some statement as to why that sum was paid back and when it was paid back. The Senator from Ohio can not say when that refund was made or for what year that refund was made. It may have been for last year or it may have been for 1917; we do not know. What I am asking for is the facts. We ought to have the facts. It is a travesty upon legislation for us to pay back out of the people's money one-fifth of all the taxes that are collected without knowing why

we are paying it back or for what we are paying it back or for what time we are paying it back.

Mr. SMOOT. Mr. President, I do not think the Senator from Tennessee quite understands these refunds.

Mr. McKELLAR. No; I do not understand them, I admit very frankly, and the Senator from Utah and no other Senator in charge of the bill has furnished us the facts as to why this enormous amount of money is to be paid back. That is what I am complaining of. We ought to have the facts here, and I hope the Senator from Utah can get them and put them before us.

Mr. SMOOT. I intended to make a short statement on this subject, and it will be very short.

When the revenue act of 1916 was passed, and then, shortly after that, the revenue act of 1917 was passed and exceedingly high taxes were imposed, the method of taxation adopted was new to the people of the United States. The act of 1917 was a very complicated act, and in assessing and collecting taxes under that act there were, I might almost say, millions of mistakes made. A vast amount of work has been done by the Treasury Department in securing a settlement of the taxes for 1917. A period of four years was allowed for settlement; and if nothing were done in that time, then nothing could be done by the Government.

Mr. President, in the examination of the returns for the taxes for 1917 the Government arbitrarily, in many cases, raised the taxes of institutions and of individuals throughout the United States with the avowed purpose that disputes or contests should be settled by some tribunal having power to determine whether they were right or whether they were wrong. In many cases where there was the imposition of an additional tax the taxpayer paid the increased assessment rather than stand the penalty, provided by the then-existing law, of 1 per cent a month. The Government under the act of 1917 charged the man who did not pay his taxes 1 per cent a month, on deferred payments; and, at the same time, where there was an overpayment of taxes the Government allowed but 5 per cent.

Mr. McKELLAR. Mr. President, will the Senator from Utah yield for a question?

Mr. SMOOT. I should like to conclude my explanation of this matter.

Mr. McKELLAR. I notice a refund to Swift & Co., Union Stock Yards, Chicago, Ill., of \$1,010,427.49. Does the Senator know for what year that was?

Mr. SMOOT. It is more than likely, Mr. President, that it is for different years and began, perhaps, in 1916, and the amount stated is the total.

Mr. McKELLAR. But the Senator from Utah can not say for what year the refund is due?

Mr. SMOOT. No.

Mr. McKELLAR. He has not been furnished with that information?

Mr. SMOOT. I have not even asked for it.

Mr. McKELLAR. The Senator has not even asked for the information. We are going to refund this money without knowing whether it is for the year 1915, 1916, 1917, 1918, or 1924.

Mr. SMOOT. Let me get through with my statement. Then if the Senator wishes to make that statement well and good.

Mr. McKELLAR. Very well.

Mr. SMOOT. Mr. President, we made appropriations for the Treasury Department and created in that department different divisions for the handling of these items. The Senator from Tennessee will remember that only in the last revenue law we provided for a board of tax appeals in order to hasten the settlement of these various cases. There is not a case of a refund but that it has been passed upon not only by one official of the Government of the United States but by at least a half a dozen before a final decision is reached. We now have a Board of Tax Appeals and many of these cases, particularly those involving large amounts, are being appealed to that board for final decision.

Mr. McKELLAR. Mr. President, may I now ask the Senator from Utah one other question, and then I am going to desist?

Mr. SMOOT. Certainly. I yield to the Senator.

Mr. McKELLAR. I notice here the statement of a refund which reads:

Libby, McNeill & Libby, Maine, Union Stock Yards, Chicago, Ill., \$1,988,201.49.

Can the Senator understand how any officer or set of officers charged with the duty of collecting taxes could make a mistake

in one taxpayer's taxes for one year of nearly \$2,000,000, as shown there?

Mr. SMOOT. Mr. President, I can understand that where an arbitrary tax is imposed upon the taxpayer, for certain reasons which I have already mentioned, before the four-year period expires the officials of the Government are going to place the amount just as high as they think it is possible to place it on the ground of alleged undertaxation. The Senator understands that in many cases claims for taxes are made against individuals and against corporations in private life for extra taxes.

Mr. McKELLAR. But these are instances where the taxpayer paid the amounts assessed and paid them into the coffers of the Government, evidently thinking that they ought to be paid or they would not have paid them, because they could have contested the matter in the courts. The idea of a taxpayer being willing to pay \$2,000,000, and then for the Government to pay it back without a word of explanation, seems to me to be very strange, to say the least.

Mr. SMOOT. He may have done that to avoid the payment of 1 per cent a month on the assessment. Suppose he had lost the case; suppose the assessment had been made five, six, or seven years ago, and 1 per cent a month were assessed against him. If the case had dragged on for seven years, he would be called upon to pay an extra 84 per cent; and, as a business man, I would have paid the assessment and taken my chances rather than to pay a rate of interest of 1 per cent a month. To do otherwise would practically destroy, perhaps, any ordinary business.

Now it is ascertained after a thorough examination that the tax imposed was not legally assessed under the law. What interest did the taxpayer get on the amount of money that the Government of the United States unlawfully collected and has had the use of? Until the last act was passed the rate of interest allowed to the taxpayer was in such cases 5 per cent; and I take it for granted that any business man would pay 5 per cent for the money which he borrowed in order to pay the Government of the United States.

Mr. McKELLAR. I imagine if the Senator from Utah were President of the United States and found that he had a tax collector or any official of the tax office who would make a mistake of \$2,000,000 in any one taxpayer's account, and had collected that much when he ought not to have done so, he would discharge him before the sun should set on that day or before it should rise if it had already set.

Mr. SMOOT. I do not think so, Mr. President.

Mr. McKELLAR. The Senator would do it if such a thing should happen in his private business.

Mr. SMOOT. The business in the instance referred to was a large one and of great volume. The official of the Government assessed that arbitrary tax because of the fact that in view of the volume of business and examinations made of the returns of the institution he thought there was coming to the United States the amount so levied.

Mr. McKELLAR. Does the Senator know that to be the fact?

Mr. SMOOT. I know there was not only one such instance, but there are hundreds and thousands of them.

Mr. McKELLAR. The Senator does not know anything about this very matter at all and has already said so. He said he did not know for what year the tax was collected; that he did not know who assessed the tax, and did not know what it was assessed for.

Mr. SMOOT. The Senator from Utah knows that if there was a contest it was not on the return that the taxpayer made himself. Therefore the Government of the United States must have imposed the additional tax. The Senator from Utah further knows that if the Government so imposed it it amounted to the sum of money mentioned.

Mr. McKELLAR. Will the Senator again yield? I should not interrupt him so often, but I want to ask him a question about the law of last year that was passed allowing interest. Does the Senator know how much that is going to cost the Government in interest on the payment of back taxes that may be refunded? If the Government is required to pay interest at 6 per cent on all taxes to be returned, I understand that it will probably cost hundreds of millions of dollars.

Mr. SMOOT. The Senator, I think, voted for the law.

Mr. McKELLAR. It was never intended to operate in that way at all.

Mr. SMOOT. Congress enacted that provision, and it is nothing more than fair if the Government of the United States is going to impose a rate of interest upon a man because he does not pay taxes, when the Government illegally

collects a tax from the taxpayer, that the Government ought to pay interest on it; and that is what the law provides.

Mr. McKELLAR. If we are going to return all these taxes which are collected, where are we going to get the money with which to run the Government?

Mr. SMOOT. We have collected over \$30,000,000,000 in the last few years, and we have not returned \$400,000,000 as yet out of that tremendous sum.

Mr. KING. Mr. President, I offer an amendment to the provision under consideration. At the end of line 24, page 9, I move to strike out the period and insert "including the names of all persons and corporations to whom payments are made, together with the amount paid to each."

Mr. President, I am sure the Senator will accept that amendment.

Mr. WARREN. Mr. President, I will have to make a point of order against that amendment; but if the Senator wishes to speak to it I will withhold the point. I do not wish to take the Senator off the floor.

Mr. KING. Does the Senator decline to obtain the information which we do not now have? He is asking us to appropriate \$150,000,000 for this purpose.

Mr. WARREN. I will ask the Secretary to read the paragraph, commencing in line 17, including with it the amendment proposed by the Senator from Utah.

The READING CLERK. On page 9, beginning in line 17, the bill reads:

For refunding taxes illegally collected under the provisions of sections 3220 and 3689, Revised Statutes, as amended by the acts of February 24, 1919, November 23, 1921, and June 2, 1924, including the payment of claims for the fiscal year 1926 and prior years, \$150,000,000, to remain available until June 30, 1926: *Provided*, That a report shall be made to Congress of the disbursements hereunder as required by such acts.

At that point the Senator from Utah [Mr. KING] proposes to add, after the word "acts" and before the period, the words "including the names of all persons and corporations to whom payments are made, together with the amounts paid to each."

Mr. SMOOT. Mr. President, I wish to say to my colleague that out of the \$150,000,000 appropriation there will be a little less than \$7,000,000 for refunds which have already been adjudicated.

Mr. KING. I am familiar with that.

Mr. SMOOT. The remaining \$143,000,000 will be for the purpose of paying claims that may be passed upon in favor of the taxpayer during the coming year.

Mr. KING. I am familiar with that fact, but there is no reason why the claims of those to whom payments are made, whether in the past or in the future, should not be furnished in the report which is made to the Congress of the United States. We require the War Department and other departments and the Court of Claims to make statements as to the amounts which they have paid and the individuals or corporations to whom payments are made. There is no reason why—because the Treasury Department have the information—they should not supply it to Congress in the report which is asked for, so that we may know to whom refunds are made and the amounts severally paid to claimants for refund of taxes.

Mr. WARREN. Mr. President—

Mr. KING. I do not yield the floor.

Mr. WARREN. I wish to say that the papers have been full of these amounts and names, and I had assumed that the Senator had already acquainted himself with that fact. This matter has not been sent as an amendment to the committee. It has not been acted upon by any standing committee. It does not come before us from the Budget, and, of course, is subject to a point of order. It is legislation and repugnant to the revenue laws that provide for collections of internal revenue.

Mr. KING. I deny that, Mr. President.

Mr. WARREN. I have said to the Senator, however, that I am willing to withhold the point of order while he offers any remarks that he wishes to make.

Mr. KING. Mr. President, I am surprised that the Senator should say that this amendment is subject to a point of order. This is not an appropriation. As a matter of fact, you may impose upon an appropriation restrictions as to the manner in which it shall be expended, and call for reports with respect to the manner in which it has been expended. That has been held here repeatedly; and I can give one illustration where we made an appropriation for the schools of the District of Columbia and the Chair held that an amendment was in order providing that no part of it should be used for the

teaching of a certain language. The examples are multitudinous.

The PRESIDENT pro tempore. What part of the rule does the Senator from Wyoming urge as forbidding this amendment?

Mr. WARREN. Mr. President, I can have the rule read; but it is evident to every Senator in this body, I think, that the rules provide that when an appropriation bill is under consideration there must have been some prior proceeding upon which an amendment that is offered can be based. In other words, under our rules we have to act here under previous legislation, and only under standing statutes instead of undertaking to make legislation. As we go along we can not legislate in an appropriation bill. There is no law providing for what the Senator asks for, but instead the law forbids it, except in certain cases which the Senator fails to mention. I refuse to be placed in the position—I will not say that the Senator is trying to put me in any position, because I know that he is not; I know that he does not intend anything of that kind—but I am not willing to put myself in the position of having any objection to all of this information being put before us in the proper way and in the proper manner. To seek to tack it onto an amendment like this, however, with nothing in preparation and no legislation on the subject, except that which forbids, compels me to seek to protect the Senate rules under which I am undertaking to act with regard to appropriation bills, which provide that we shall have legislation before we provide for appropriations.

The PRESIDENT pro tempore. Does the Senator urge that the amendment is general legislation?

Mr. WARREN. I do not know what else it can be. It provides that certain things shall be done that at present are by law forbidden. It does not appropriate money directly, but it is well known that it costs money to do these things.

The PRESIDENT pro tempore. The Chair is inclined to hold otherwise.

Mr. WATSON. Mr. President, is there any reason why the investigating committee which is investigating the income-tax unit can not get this information? The first man who came before us was the Commissioner of Internal Revenue, and in his first testimony he stated the amount that had been recovered, the amount that had been paid back, and all that sort of thing. It is entirely pertinent and germane to that inquiry for us to get those names and amounts before the committee. We can do that to-morrow if the Senator desires.

Mr. KING. Mr. President, undoubtedly the Senator is correct in stating that the committee which is now conducting an investigation may ask for this information; but it would seem to me that the department which is getting this \$150,000,000 not only ought to be required but it ought to be willing and it ought to desire to justify its course by submitting a full report, and it ought to submit—and it ought to be for the files of Congress—the names of those to whom the appropriations are made.

May I say, Mr. President, while I am on my feet—and I shall very quickly take my seat—that I should not object to the appropriation except for the fact that after some inquiry, and as the result of information which has come to me as a member of the subcommittee to which the Senator has just referred, I have learned that there are many of these refunds which are entirely just. I do not want to block the way to the payment of a single penny to any taxpayer who is honestly entitled to it. I should prefer to have the Government suffer to some extent rather than to deny to a taxpayer that which is justly his due.

I have asked some of the officials of the department—and the Senator will remember that we had the matter up in subcommittee—that in making these payments they shall withhold payment to all persons, corporations, and copartnerships where the committee of which I am a member have challenged the correctness of the basis upon which the taxes have been assessed. I may say that I had felt and I believed that hundreds of millions of dollars have been allowed by the Internal Revenue Department in the nature of refunds, either to be made in the future or already made, based upon a wrong conception of the law, upon a misinterpretation of the law, upon the consideration of factors which relieve the taxpayer of an honest tax which ought not to have been projected into the consideration of the case. In my opinion, claims for refunds have been allowed amounting to many millions of dollars based upon a wrong conception of what amortization is, and what credits should be allowed for amortization, depreciation, and other factors to which reference might be made if it were germane to this discussion.

Having received the assurance from the department officials that they will make no payments by way of refunds in any of the cases where our committee challenges the basis upon which settlements are made, I have felt constrained to withhold opposition to this measure; and I am led to that course in part by reason of the fact that if we do not make payment, and it should be determined later on that we should make payment, we will have to pay a very large amount of interest.

I believe that the law that was passed at the last session, permitting interest payments, will cost the Government of the United States not a hundred million dollars but a good many hundreds of millions of dollars; and therefore, wherever a claim is just and a refund should be made, I am anxious that it should be made at the earliest possible moment to save the Government the interest charge which would fall upon the shoulders of the Government.

Between seven and eight millions of dollars of this appropriation will be paid to claimants where the refunds have been determined and the adjudication of their cases has been made. The larger part of it, as has been observed by my colleague, is to meet adjudications which will be made and orders of refund which are now in process of settlement. Undoubtedly there will be many cases which ought to be settled and the claims paid between the adjournment of Congress and the next session of Congress, and I think there ought to be some appropriation made for the purpose of meeting legitimate claims which will be allowed.

I have been dissatisfied with the method which has been employed in the past in adjudicating these claims. My colleague [Mr. Smoot] has referred to the fact that under the recent law we provided for a tax appeal board, and we provided for certain judges—that is, they have judicial powers—and I believe that many of the evils which have existed in the past are not due particularly to the department or to the failure of Congress to legislate properly, and that they will be obviated in the future and that there will be a juster determination of the claims of those who insist that the Government has imposed an unjust tax upon them.

With respect to the amendment, I think the chairman of the committee ought to consent to accept it. Certainly it is not subject to the point of order. It seems to me a waste of time to argue that point.

The PRESIDENT pro tempore. The Chair desires to state the view taken by the Chair with regard to the matter.

The last paragraph of the part of the bill which is sought to be amended is as follows:

Provided, That a report shall be made to Congress of the disbursements hereunder as required by such acts.

The amendment sought to be offered provides:

including the names of all persons and corporations to whom payments are made, together with the amount paid to each.

It seems to the Chair that that is not general legislation.

Mr. WARREN. Mr. President, may I say to the honorable President that the law originally—if it has been changed I do not know it—did not provide for the disclosure of the names except on a certain requisition, by courts and others. I do not wish to tell the Senator further what the law is, but, as I recall the revenue laws, it is specifically provided in what way those names should be made known. May I say now that under any other circumstances I should not raise this point; but in conducting an appropriation bill, and especially a deficiency bill, as this is, I wish to keep the bill inside of the rules of the body.

The deficiency bill has been known for many years to be the one bill when and where various kinds of outlaw amendments may be offered and forced through. When the rules of the Senate were changed last year, and all of this work was sent to one committee instead of being distributed to five or six, certain rules were made that I had no hand in making, but accepted, among which was one that there should be no legislation in an appropriation bill, and that if the committee brought in a bill containing legislation it would be sent back to the committee in case a point of order was made and sustained.

I am entirely willing for the Chair to rule against my proposition, except that I ask the Chair to think of the position in which it may put me as to the rules with reference to many other bills that will follow. I wish to obey the rules; that is all. I have no objection to having the name of everybody in the world quoted here, as to what they paid, and whether part of it was refunded, and all about it; but since the law originally did not provide for that, and as the names and amounts

have been already published to a large extent in various papers, this amendment seems to me entirely unnecessary, outside of the consideration of points of order.

Mr. McKELLAR. Mr. President, I offer an amendment to the amendment of the Senator from Utah [Mr. KING], which I ask the Secretary to read. I hope the Senator from Utah will accept it.

The PRESIDENT pro tempore. The Secretary will read the amendment to the amendment.

The READING CLERK. The Senator from Tennessee [Mr. McKELLAR] proposes to strike out lines 23 and 24, on page 9, and insert the following proviso:

Provided, That a report shall be made to the Secretary of the Senate and to the Clerk of the House, a full account of the disbursements hereunder, including the corporations or persons to whom made, the years for which made, the amounts of the taxes refunded, and the amount of the net taxes paid by the taxpayer for that year or years.

Mr. KING. I am willing to accept that.

The PRESIDENT pro tempore. The Chair is of the opinion that if it is accepted, the amendment will be subject to a point of order.

Mr. WARREN. I will have to make a point of order against it.

Mr. McKELLAR. It is an amendment just changing the wording of that proviso.

The PRESIDENT pro tempore. There is a great deal of difference, in the opinion of the Chair, between requiring that the names of the persons to whom these sums are paid shall be reported to Congress, and the provision suggested by the Senator from Tennessee.

Mr. KING. Mr. President, if the Chair shall be constrained to hold that the amendment offered by the Senator from Tennessee to my amendment is subject to a point of order, then of course I could not accept it.

Mr. WATSON. Mr. President, is it not a fact that the existing law specifies the people to whom information of this kind may lawfully be communicated, and the manner in which such lawful communication may be made; and is not the proposition of the Senator from Utah an attempt to change that law?

The PRESIDENT pro tempore. The Chair has not so considered it; otherwise, it would have held the amendment out of order.

Mr. KING. I will say to the Senator that the existing law, which surrounds certain activities of the Treasury Department with the veil of secrecy, does not preclude Congress asking, when it makes an appropriation to various taxpayers, that the names shall be furnished, together with the amounts; and that it is not an infraction of any existing law.

Mr. McKELLAR. It is simply a limitation on the particular appropriation. Here is an appropriation, and this is the limitation on it. We have a perfect right to put limitations on appropriations, under the rule, as I understand it.

Mr. WATSON. Not by way of new legislation. You can not make a limitation that is new legislation on an appropriation.

Mr. McKELLAR. All this applies to the appropriation.

Mr. WATSON. Mr. President, I have no desire to quibble about it, but I want to say that the existing law provides the manner in which this information may be had, and this is not in keeping with the law. Therefore it is a proposal to change the existing law, because there is no provision in the existing law authorizing such a communication to Congress. There is no doubt about that.

The PRESIDENT pro tempore. The view of the Chair is that the proposed amendment would simply require the Secretary of the Treasury to say to whom he paid the money that is being appropriated in the bill. It does not seem to me that it is general legislation. The Chair overrules the point of order, and the question is upon agreeing to the amendment.

On a division, the amendment was agreed to.

Mr. CAMERON. Mr. President, I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The READING CLERK. On page 7, after line 5, insert:

YUMA IRRIGATION PROJECT, ARIZONA

The sum of \$200,000, to be paid out of the reclamation fund established by the act of June 17, 1902 (32 Stat. p. 388), for operation and maintenance and completion of construction of the irrigation system required to furnish water to all of the irrigable lands in part 1 of the Mesa division, otherwise known as the first Mesa unit of the Yuma auxiliary project, authorized by the act of January 25, 1917 (39 Stat. p. 868), as amended by the act of February 11, 1918 (40

Stat. p. 437): *Provided*, That all moneys received by the United States in payment of land and water rights in said part 1 of the Mesa division, beginning one year from the date this act becomes effective, shall be covered into the reclamation fund until the sum advanced from said fund hereunder is fully paid: *Provided further*, That the purchase price of land and water rights hereafter sold in said part 1 of the Mesa division shall be paid to the United States in 10 equal installments, the first of which shall be due and payable at the date of the purchase, and the remaining installments annually thereafter, with interest on deferred installments at the rate of 6 per cent per annum, payable annually; and the Secretary of the Interior is authorized, at any time within one year from the date this act becomes effective, to amend any existing uncompleted contract for the purchase of land and water rights so that the aggregate amount of principal and interest remaining unpaid under such contract may be paid in 10 equal installments in accordance with the conditions of this proviso, beginning with the date of amendatory contract: *And provided further*, That land and water rights in said part 1 of the Mesa division heretofore or hereafter offered at public sale under said act of January 25, 1917, and not disposed of at such public sale may be sold later at private sale at not less than \$25 per acre for the land and at \$200 per acre for the water right, and a corporation may purchase land and water rights at any such sale either public or private and receive patent therefor.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I should like to ask about two items in the bill. What is the object of the appropriation for Muscle Shoals on page 11?

Mr. WARREN. It is already provided by law that certain work shall be done upon the dam, and this is to carry that out.

Mr. COPELAND. This means that we are proceeding at Muscle Shoals?

Mr. WARREN. It means that this amount of money will be necessary between now and the end of the fiscal year to carry on the work we have already provided for by law. Another \$3,000,000 is provided for the year following this, I believe, in the Army bill, also to carry on this work.

Mr. COPELAND. The thing I have in mind is that the friends of Muscle Shoals are very anxious to know that nothing is interfering with the progress of the work there.

Mr. WARREN. Let me say, furthermore, for the edification of the Senator, that I am informed that unless this bill shall be passed by the Congress and signed by the President by day after to-morrow, these Muscle Shoals men are to be suspended in their work.

Mr. COPELAND. I shall do nothing to interfere with the passage of the bill. Now, I want to ask one other question about the appropriation for the Public Health Service, on page 10. Was the full amount requested included in the bill?

Mr. WARREN. It was estimated for, and I think this is the full amount estimated.

Mr. COPELAND. Was that the full amount requested?

Mr. WARREN. Whether it is the full amount requested of the Budget I do not know, though I have been informed it was. It is the full amount the Budget asked.

Mr. COPELAND. I notice that the Senator from Utah [Mr. Smoot] is consulting his papers. Perhaps he can tell us whether that is the full amount requested.

Mr. WARREN. He is looking to see whether it can not be cut down some, I dare say.

Mr. COPELAND. I hope not.

Mr. SMOOT. My recollection is that this is just the amount estimated for.

The PRESIDENT pro tempore. If there be no further amendment as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION

Mr. WATSON. I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS

Mr. JONES of Washington. I move that the Senate take a recess until to-morrow at 12 o'clock.

The motion was agreed to; and the Senate (at 6 o'clock and 5 minutes p. m.) took a recess until to-morrow, Wednesday, January 14, 1925, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 13 (legislative day of January 5), 1925

COLLECTORS OF CUSTOMS

Walter J. Wilde, of Milwaukee, Wis., to be collector of customs for customs collection district No. 37, with headquarters at Milwaukee, Wis., in place of Otto A. La Budde, whose term of office expired December 17, 1923.

Charles N. Hildreth, jr., of Live Oak, Fla., to be collector of customs for customs collection district No. 18, with headquarters at Tampa, Fla., to fill an existing vacancy.

COLLECTOR OF INTERNAL REVENUE

Peter H. Miller, of Pensacola, Fla., to be collector of internal revenue for the district of Florida in place of Daniel T. Gerow, resigned.

UNITED STATES DISTRICT JUDGE

Charlton R. Beattie, of Louisiana, to be United States district judge for the eastern district of Louisiana, vice Rufus E. Foster, promoted to the position of United States circuit judge, fifth judicial circuit.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 13 (legislative day of January 5), 1925

COLLECTOR OF CUSTOMS

Walter J. Wilde, of Milwaukee, Wis., to be collector of customs for customs collection district No. 37, with headquarters at Milwaukee, Wis.

ASSISTANT ATTORNEY GENERAL

William J. Donovan to be Assistant Attorney General.

UNITED STATES CIRCUIT JUDGES

Charles H. Moorman to be United States circuit judge, sixth circuit.

Rufus E. Foster to be United States circuit judge, fifth circuit.

UNITED STATES DISTRICT JUDGES

Robert C. Baltzell to be United States district judge, district of Indiana.

Charles I. Dawson to be United States district judge, western district of Kentucky.

UNITED STATES ATTORNEYS

Grady Reynolds to be United States attorney, middle district of Alabama.

Charles F. Parsons to be United States attorney, district of Hawaii.

Richard H. Templeton to be United States attorney, western district of New York.

Joseph C. Shaffer to be United States attorney, western district of Virginia.

POSTMASTERS

GEORGIA

Emory Davis, Rutledge.

LOUISIANA

Olivier Dufour, Marrero.

MICHIGAN

David E. Cleary, Clawson.

Peter Trudell, jr., Negaunee.

MONTANA

Albert M. Stevenson, Lodgegrass.

NEW YORK

James McD. Reid, Amsterdam.

James Carpenter, Northville.

Emma Frey, Vestal.

Harry S. Bowers, Wayland.

OHIO

Russell C. Niles, West Milton.

PENNSYLVANIA

Lillian K. Strong, Columbia Cross Roads.

Warren R. Schanley, Pennsburg.

TENNESSEE

John G. Holmes, Trezevant.

HOUSE OF REPRESENTATIVES

TUESDAY, January 13, 1925

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Heavenly Father, Thou hast made us and not we ourselves; therefore do Thou work within us the purpose and pleasure of Thy holy will. Keep us grandly free and always conscious of our high calling and ever mindful of our most sacred obligations. At times our feelings and thoughts are too deep for words; O accept them as our humble petitions. Lead forward our higher and best natures and strengthen our faith in things not seen. Prosper our country in every good work, and bless all institutions of whatsoever name that care for the poor and the unfortunate. Give great encouragement to all teaching that quickens our best understanding and promotes reverence for authority, for law, for God, and the world's Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALL OF THE HOUSE

Mr. RUBEY. Mr. Speaker, I think we ought to have a quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. LONGWORTH. Mr. Speaker, I move a call of the House. The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 26]

Anderson	Edmonds	Lee, Ga.	Reld, Ill.
Arnold	Fairchild	Lindsay	Richards
Ayres	Faust	Logan	Roach
Begg	Favrot	Lyon	Robison
Bloom	Fredericks	McLeod	Rogers, Mass.
Bowling	Freeman	McNulty	Rogers, N. H.
Britten	Fulbright	Martin	Sanders, Ind.
Browne, N. J.	Fulmer	Michaelson	Schall
Buckley	Funk	Miller, Ill.	Seger
Butler	Geran	Mooney	Shallenberger
Canfield	Glatfelter	Moore, Ill.	Sherwood
Carew	Goldsborough	Morin	Sites
Casey	Graham	Morris	Smithwick
Clague	Griffin	Nolan	Snyder
Clancy	Hawes	O'Brien	Strong, Pa.
Clark, Fla.	Hull, Tenn.	O'Connell, R. I.	Sullivan
Clarke, N. Y.	Hull, William E.	O'Sullivan	Tinkham
Cole, Ohio	Johnson, Ky.	Oliver, N. Y.	Tydings
Collins	Kendall	Palge	Upshaw
Corning	Kent	Perkins	Vare
Croll	Kerr	Phillips	Wertz
Curry	Kless	Porter	Wilson, Ind.
Davey	Knutson	Purnell	Winslow
Denison	Kunz	Ransley	Wolff
Dominick	Langley	Reed, Ark.	
Eagan	Larson, Minn.	Reed, W. Va.	

The SPEAKER. Three hundred and twenty-nine Members have answered to their names. A quorum is present.

Mr. LONGWORTH. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

CONSOLIDATION OF NATIONAL BANKING ASSOCIATIONS

Mr. McFADDEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8887, to amend the act to provide for the consolidation of national banking associations.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. LEHLBACH in the chair.

Mr. HUDSPETH. Mr. Chairman, I desire to speak in opposition to the pending amendment.

Mr. McFADDEN. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The Chair will state to the committee that debate on the amendment offered by the gentleman from Alabama [Mr. STEAGALL] was completed and the question had been put when the committee rose on Saturday.

Mr. McFADDEN. I think the Chairman is in error in that respect; debate was not closed.

The CHAIRMAN. The Chair may be in error but that was the recollection of the chairman of the committee. Does the gentleman from Pennsylvania seek recognition to further debate the amendment?